



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

19 NOV 1976

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. J. W. O'Brien  
O'Brien for Congress Committee  
P.O. Box 7676  
Portsmouth, VA 23707

Re: MUR 282 (76)

Dear Mr. O'Brien:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to complainant, the Commission believes that on the basis of the information in the complaint there is no reason to believe that a violation of the Federal Election Campaign Act as amended, has been committed. Accordingly, the Commission does not intend to investigate the matter any further.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

Enclosure



PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).  
☐ Show to whom and date delivered..... 15¢  
☒ Show to whom, date, & address of delivery.. 35¢  
☐ RESTRICTED DELIVERY.  
Show to whom and date delivered..... 65¢  
☐ RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:  
J.W. O'Brien

3. ARTICLE DESCRIPTION:  
REGISTERED NO. 438361 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 11/29/76

5. ADDRESS (Complete only if requested)  
Windsor  
Main Post Office

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

19 NOV 1976

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Robert E. Washington  
Washington for Congress Committee  
Suite 307, Lendman Building  
East Little Creek Road  
Norfolk, VA 23518

Re: MUR 282 (76)

Dear Mr. Washington:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to complainant, the Commission believes that on the basis of the information in the complaint there is no reason to believe that a violation of the Federal Election Campaign Act as amended has been committed. Accordingly, the Commission does not intend to investigate the matter any further.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

Enclosure

RECEIVED  
OFFICE OF THE GENERAL COUNSEL  
NOV 22 1976



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

62

● SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered..... 15¢

☒ Show to whom, date, & address of delivery.. 35¢

☐ RESTRICTED DELIVERY.  
Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

*Robert Washington*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>438359</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

*Sheryl K. Wellman*

4. DATE OF DELIVERY *NOV 26 1976* POSTMARK *NOV 26 1976*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

November 19, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS *mwe*

RE: MUR 282 (76)

The above mentioned MUR was transmitted to the  
Commissioners on November 18, 1976 at 10:00 a.m.

It is my understanding that Commissioner Staebler  
has informed you that he "objects" to MUR 282 (76).  
Therefore, it will be placed on the Compliance Agenda for  
Tuesday, November 23, 1976.

770402482

DATE AND TIME OF TRANSMITTAL: NOV 18, 1976

NO. MUR 282 (76)

REC'D: Oct. 18, 1976

FEDERAL ELECTION COMMISSION  
Washington, D. C.

Complainant's Name: R. McIlwaine Keever, Jr. (Notarized)

Respondent's Name: Washington for Congress Committee/O'Brien for Congress Committee

Relevant Statute: Violation of 2 U.S.C. §434b

Internal Reports Checked: Receipts and expenditures of both candidates

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Contributions in excess of \$100.00 should have been reported as a  
result of the use of State-issued credit cards which were used  
to make phone calls related to respondents' federal campaigns.

PRELIMINARY LEGAL ANALYSIS

The article submitted in support of the complaint indicated  
reimbursement has been made to the extent of the use of such  
State-issued credit cards on behalf of their federal campaigns.

In view of the fact that respondents are now apparently in compliance  
with the Federal Election Campaign Laws, we recommend that the file  
be closed.

RECOMMENDATION

Find no reason to believe that §434b has been violated; send attached  
letters.

Date of Next Commission Review: \_\_\_\_\_

OCT 28 1976

Mr. R. Mc Ilwaine, Jr.  
Box 1331  
University of Richmond  
Richmond, Va. 23173

Re: MUR 282 (76)

Dear Mr. Keever:

This is to acknowledge receipt of your complaint against the Washington for Congress Committee and the O'Brien for Congress Committee, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and recommendations to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William Oldaker  
Assistant General Counsel

Enclosure

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040024821

2C #751  
MUR 282

R. McIlwaine Kever, Jr.  
Box 1331

University of Richmond, Virginia 23173

NOV 18 P2:04

October 13, 1976

The Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

762979

Ladies and Gentlemen:

In accordance with 2 U.S.C. 437g, I am hereby filing a complaint against the Washington for Congress Committee and the O'Brien for Congress Committee. Respectively, these committees are the campaign organizations for Congressional candidates Robert E. Washington in the Second District of Virginia and J.W. O'Brien in the Fourth District of Virginia.

In particular, I believe that a violation of the reporting requirements as mandated by 2 U.S.C. 434b has occurred.

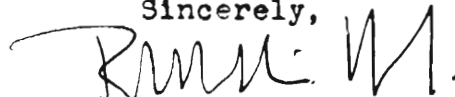
Under Federal election laws, a candidate and his committee must report all contributions valued at over \$100.00, including contributions in kind. As evidenced by the enclosed news articles, the Washington and O'Brien Committees received a contribution in kind from the Commonwealth of Virginia in excess of \$100.00. This contribution in kind took place before the June 8 democrat primary through the use of a state-issued credit card that was used for a number of political phone calls.

As far as I can determine, neither of the candidates reported the contribution in the required Federal Election Commission reports that followed the date of the phone calls. Ample time has passed for the candidates to file an amended report, yet both have failed to do so.

I hereby request that the Federal Election Commission investigate this apparent violation of the election laws and impose such sanctions as it deems fit within its authority under the appropriate statutes.

With every good wish, I remain

Sincerely,



R. McIlwaine Kever, Jr.

(phone number: 804-285-0666)

Rale A. Bipe

Notary Public

My commission expires July 25, 1977



# Delegate pays money to state for credit calls ✓

NORFOLK — Del. Robert E. Washington has surrendered his state-owned telephone credit card plus \$146.31 to the clerk of the Virginia House of Delegates to rectify 68 apparently improper telephone calls charged this year to taxpayers.

"I hope that this adequately answers the questions which have been raised . . .," Washington said in a letter to Clerk Joseph H. Holleman Jr. Wednesday.

Washington, a Democratic candidate for the 2nd Congressional race this November, acknowledged that a number of telephone calls were made from his campaign office headquarters. Although personnel in that office coordinate and schedule his legislative activities and appointments and many of the calls were made for legitimate purposes, "the appearance for impropriety is there," he said.

Washington disclosed the telephone billings following a copyrighted story Tuesday from Richmond-Petersburg television station WXEX which had been investigating the handling of state telephone credit cards. The story said that Washington's legislative telephone bill for the first portion of the year amounted to \$800 and that he "frequently" used the credit card for other than state business.

The Norfolk delegate dispatched an aide to Richmond Tuesday to return with the telephone billings so he could determine if the allegations were correct.

His letter to Holleman, which he released to the public, stated that he found 64 telephone calls amounting to \$130.61 had been made from his campaign headquarters. Four other calls made from other locations totaled \$12.70, he said. Washington sent a check for the entire amount to Richmond to reimburse the state.

He said he will continue to check the telephone records to see if any other unrelated-state business calls were made.

"It is unfortunate that I learned of them from a news reporter, having not personally received copies of the monthly statements," Washington wrote to Holleman. He asked that future statements be sent to him.

"Lastly, to avoid future conflicts or even the appearance of impropriety, I am returning herewith the state issued telephone credit card. I have also directed that all personnel known to me to have had use of the card number to desist immediately in its use and discontinue any and all charges to the state."

77040011833

Ledger-Star, Friday, August 27, 1976 C3

## O'Brien admits error; to pay bill, reveal all

CHESAPEAKE — "I have made an error in judgment. I admit it. I am sorry for it. I will pay the phone bill immediately," Del. J. W. "Billy" O'Brien said today.

O'Brien, 4th District Democratic candidate for Congress, was referring to use of his state legislator's telephone credit card to place political calls last winter and spring.

In the meantime, O'Brien dispatched Glenn R. Croshaw, his campaign manager, to Richmond to review his legislative telephone billings and report back.

O'Brien, school administrator and former football coach, is challenging Republican Rep. Robert W. Daniel Jr., Spring Grove plantation owner who is seeking reelection to a third term.

O'Brien said he was not aware, until he was called by a reporter Thursday, that calls by Pete Glazer, his Democratic primary press aide, had accounted for as much as \$158.73 of his \$437.14 credit card bill for the first six months this year.

"I have never seen a copy of the bill. (but) we ain't going to hide nothing," O'Brien said.

O'Brien took the blame for the incident, noting that he had authorized Glazer's use of his legislative telephone charge card during his primary campaign.

"It was not Pete's fault," O'Brien said after describing Glazer, a Portsmouth native now residing in Alexandria, as a longtime friend.

"There are no guidelines. But if you represent the people you should have enough judgment to use discretion and use it for state business.

"But sometimes it is hard to tell what is state business and what isn't," O'Brien said. He is the delegate for the floater district covering Portsmouth, Chesapeake and Virginia Beach.

O'Brien said that Glazer, "due to pre-of business" in his Alexandria-based public relations firm, "would not be able to help me in the general election."

1976 ELECTION COMMISSION  
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# The Virginian-Pilot

ESTABLISHED NOVEMBER 21, 1865

Page A12

Tuesday, August 31, 1976

## Far Too Good a Face

Of the three Tidewater legislators who appear to have abused their State-issued telephone credit cards, Delegate J.W. (Billy) O'Brien of Chesapeake strikes us as having been the most subtle in explanation. "I have made an error in judgment," he said, upon being found out, from the Portsmouth headquarters of his campaign for the Fourth District seat in Congress.

Error in judgment? During his successful race for the Democratic nomination for Federal office, Mr. O'Brien authorized a campaign assistant to use the long-distance credit card issued to him as a State legislator. His failure was in probity, not in mere decision. Surely Mr. O'Brien understands the difference between misjudgment and indiscretion. He put far too good a face on his means of passing on to Virginia taxpayers a little of the expense of his political ambition.

Delegate Robert Washington of Norfolk, also a Democrat, who earlier was disclosed to have used his State credit card for telephone calls to his Second District Congressional campaign consultants and to labor unions that accommodated him with funds, announced the other day that he was sending the card back to the House of Delegates clerk. He would have done better to have sent his resignation from the General Assembly.

That goes for Delegate O'Brien, too. The business of holding onto one office while seeking another is indefensi-

ble, whether from local to State, or State to Federal, or whatever. The Virginian-Pilot has said that many times over the decades, pointing out the obvious opportunity for conflict, or the look of it, in public performance and personal aspiration. Seldom, though, has a more flagrant example of the horror arisen than those provided by the two Tidewater Delegates who are bucking for Congress.

The third legislator with credit-card

telephonitis, Senator Peter K. Babalas of Norfolk, another Democrat, is not running for higher office. Like Mr. Washington, he has turned in his card. Unlike both Mr. Washington and Mr. O'Brien, he has refunded no money to the State. With a record of 223 long-distance calls, including 36 out-of-state, during one legislative month, for a taxpayer bill of \$1,431.27, he is the General Assembly's grand champion. May he never be succeeded.

# Former Aide To O'Brien Billed Calls

By STEPHEN FLEMING

Virginian-Pilot Richmond Writer

RICHMOND—A former campaign aide of 4th District Congressional candidate Del. J. W. (Billy) O'Brien of Chesapeake used the legislator's state telephone credit card to place at least 59 political calls last winter and spring.



O'Brien

Calls to or from the Alexandria home of Pete Glazer produced toll charges totaling \$347.40, more than a third of O'Brien's \$137.14 credit-card bill for the first six months of this year.

"I have made an error in judgment," O'Brien said from his Portsmouth campaign headquarters Thursday. "I admit it. I am sorry for it. I will pay the phone bill immediately."

O'Brien said that he will send a staff member to review the credit card records at the House clerk's office. Glazer worked for O'Brien during his primary campaign, but he is not part of a new staff assembled for the general election.

"I did not at the time understand the exact restrictions which accompany the credit card," O'Brien said, but he added that that does not excuse use of the card for campaign telephoning. "I authorized (Glazer) to use my credit card. It was wrong."

O'Brien, a Democrat, is one of four members of the House of Delegates running for Congress this year. Earlier this week a Richmond-Petersburg television station reported that Norfolk Del. Robert Washington, also a Democrat, had charges to his credit card for calls to his campaign consultants and to labor unions that contributed to his campaign.

Washington has conceded improper use of his credit card. On Wednesday he said he was sending his card back to the House clerk along with a check for \$146. Washington's total credit-card bill for six months was \$756.03.

(See Calls, Page B2)

## Calls Billed

Continued from Page B1

The earlier reports made no mention of the three other delegates running for Congress. A check of their phone records revealed the calls by Glazer on O'Brien's card.

The two other legislator-candidates are Hampton Del. Robert Quinn, a Democrat in the 1st District, and Del. Vincent Callahan, a Republican in the 10th District.

Quinn's total credit-card bill for six months was \$33.90. All his calls were made between Richmond and Hampton. Most were between State Capitol numbers or his Richmond apartment and his Hampton office or home.

Callahan's six-month total credit-card bill was \$253.21. Most of his calls were between State Capitol numbers and his home and office number in McLean. Four of the calls were placed between the McLean number and numbers in Loudoun County, which is within the 10th Congressional District but not within Callahan's legislative district.

Records of House telephone credit cards remain open to public inspection by order of House Speaker John Warren Cooke. State Senate records are closed by order of Rules Committee Chairman Willard Moody of Portsmouth, who is concerned about possible invasion of privacy.

Examinations of telephone records began after it was revealed that Norfolk Sen. Peter K. Babalas had a number of out-of-state calls charged on his \$3,600 bill. He insists that the calls were proper.

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The Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463