



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2285E

DATE FILMED \_\_\_\_\_ CAMERA NO. \_\_\_\_\_

CAMERAMAN \_\_\_\_\_

93040930349

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

Bernard Black-Schaffer  
4510 Blackstone Court  
Bloomington, Indiana 47401,

Complainant,

v.

Complaint  
MUR NO. \_\_\_\_\_

Francis X. McCloskey; McCloskey for)  
Congress Committee; National Rural )  
Letter Carriers' Association )  
Political Action Committee; )  
American Federal of State and )  
County and Municipal Employees )  
Public Employees Organized to )  
Promote Legislative Equality )  
Qualified, et al., )

Respondents.

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) Bernard Black-Schaffer brings this complaint against candidate for federal public office, Francis X. McCloskey, McCloskey for Congress Committee; National Rural Letter Carriers' Association Political Action Committee; American Federation of State and County and Municipal Employees Public Employees Organized to Promote Legislative Equality Qualified, and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A).

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## II. PARTIES

2. Complainant is Bernard Black-Schaffer who resides at 4510 Blackstone Court, Bloomington, Indiana 47401. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Indiana. He voted in the 1984 Congressional election in Indiana and contributed to federal candidates in that election.

Respondents are:

- a. Francis McCloskey, 116 CHOB, Washington, D.C.
- b. Bob Fitzgerald, individually and in his capacity as treasurer of The McCloskey for Congress Committee, P.O. Box 70, Bloomington, Indiana 47401.
- c. American Federation of State and County and Municipal Employees Public Employees Organized to Promote Legislative Equality QUALIFIED, ("AFSCME-QUALIFIED"), P.O. Box 6587, Washington, D.C. 20036.
- d. William Lucy, individually and in his capacity as treasurer of AFSCME-QUALIFIED, P.O. Box 6587, Washington, D.C. 20036.
- e. National Rural Letter Carriers Association PAC ("NRLCA"), 1750 Pennsylvania Avenue, N.W. Suite 1204, Washington, D.C. 20006.
- f. Vernon Meier, individually and in his capacity as treasurer of NRLCA, 1750 Pennsylvania Avenue, N.W. Suite 1204, Washington, D.C. 20006.

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3. Liability may be imposed upon the candidate, Francis X. McCloskey, The McCloskey for Congress Committee, NRLCA and AFSCME-QUALIFIED pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contribution in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers, pursuant to 11 C.F.R. §104.14(d).

#### IV. OVERVIEW

5. Based on complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1984 federal general election in which Francis X. McCloskey was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Francis X. McCloskey; the McCloskey for Congress Committee and its treasurer; NRLCA and AFSCME-QUALIFIED filed for the 1984 federal general election.

6. For the 1984 federal general election, excessive funds were contributed to Francis X. McCloskey, The McCloskey for Congress



Committee and its treasurer by NRLCA and AFSCME-QUALIFIED and their treasurers. The 1984 Indiana Congressional primary was held on May 8, 1984.

7. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A) which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. VIOLATIONS OF THE F.E.C.A. BY  
THE MCCLOSKEY FOR CONGRESS COMMITTEE  
IN THE  
1984 FEDERAL GENERAL ELECTION

8. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions designated for the 1984 federal general election from NRLCA in the amount of \$6,050.00 (SIX THOUSAND FIFTY DOLLARS).

9. Candidate Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer, for the 1984 federal general election, accepted contributions from NRLCA in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
05/16/83	\$500.00	NRLCA	#83012491041
10/25/83	\$300.00	NRLCA	#NOT REPORTED
03/22/84	\$250.00	NRLCA	#84012573656
09/09/84	\$2,000.00	NRLCA	#84012733134
10/23/84	\$2,000.00	NRLCA	#84012805441
11/15/84	\$1,000.00	NRLCA	#84012805441

Total = \$6,050.00

10. On September 9, 1984, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer were only permitted to accept an additional contribution of \$1,950.00 (ONE THOUSAND NINE HUNDRED FIFTY DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions of \$3,000.00 (THREE THOUSAND DOLLARS) and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

11. Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer failed to accurately report the \$250.00 (TWO HUNDRED FIFTY DOLLAR) contribution of March 22, 1984 which was designated by NRLCA as a contribution for the general election. (See F.E.C. Microfilm #8403-310-2233.) In violation of 11 C.F.R. §104.14(d), Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm #84012573656.) F.E.C.

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regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information contained therein." Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

In addition, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer also failed to report receipt of the contribution of \$300.00 of 10/25/83 from NRLCA in violation of 11 C.F.R. §104.14(d).

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions designated for the 1984 federal general election from AFSCME-QUALIFIED in the amount of \$7,650.84 (SEVEN THOUSAND SIX HUNDRED FIFTY DOLLARS AND EIGHTY FOUR CENTS).

13. Candidate Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer, for the 1984 federal general election, accepted contributions from AFSCME-QUALIFIED, which was reported by the candidate, in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
05/20/83	\$500.00	AFSCME-QUALIFIED	#83012491043
04/09/84	\$4,750.00	AFSCME-QUALIFIED	#84012593807
01/25/84	\$2,900.84	AFSCME-QUALIFIED	#84012805436
Total = \$8,150.84			

14. Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer failed to accurately report the \$4,314.92 (FOUR THOUSAND THREE HUNDRED FOURTEEN DOLLARS and NINETY TWO CENT) contributions of April 22, 1983 which were designated by NRLCA as contributions for the general election. (See F.E.C. Microfilm #8303-272-1392.) In violation of 11 C.F.R. §104.14(d), Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer failed to promptly report the contribution. On May 20, 1983, it reported only \$500.00 of the contribution and designated it for the primary election. (See F.E.C. Microfilm #8301-249-1043.) On April 9, 1984, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer, reported receiving \$4,750.00 (FOUR THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS) from AFSCME-QUALIFIED for the primary election. F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information contained therein." Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer knowingly misreported the



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contribution in order to accept contributions in excess of the statutory limit.

15. A running total of contributions from AFSCME-QUALIFIED would have put on notice Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer that they had received \$4,750 (FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS) on April 4, 1984 designated for the 1984 general election. On that date, Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer could only lawfully accept \$250.00 more in contributions from AFSCME-QUALIFIED toward the general election. In violation of 2 U.S.C. §441a(f), Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer accepted contributions from this contributor in the amount of \$2,900.84 (TWO THOUSAND NINE HUNDRED DOLLARS and EIGHTY FOUR CENTS). These amounts exceeded the statutory monetary ceiling by \$2,650.84 (TWO THOUSAND SIX HUNDRED FIFTY DOLLARS and EIGHTY FOUR CENTS).

VI. VIOLATIONS OF THE F.E.C.A.  
BY  
NRLCA  
IN THE  
1984 FEDERAL GENERAL ELECTION

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondent filed with the Federal Election Commission, the Complainant believes that NRLCA for the 1984 federal general election contributed to candidate Francis X.

McCloskey, The McCloskey for Congress Committee and its treasurer a total of \$5,800.00 (FIVE THOUSAND EIGHT HUNDRED DOLLARS).

17. NRLCA contributed the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
05/03/83	\$250.00G	#8303-277-1789
10/25/83	\$300.00G	#8403-293-4705
03/22/84	\$250.00G	#8403-310-2233
08/16/84	\$2,000.00G	#8403-338-4835
10/16/84	\$2,000.00G	#8403-346-0885
11/01/84	\$1,000.00G	#8403-349-4165

Total = \$5,800.00

18. A running total of the amount contributed to Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer would have put on notice NRLCA, that as of October 16, 1984, they had contributed \$4,800.00 (FOUR THOUSAND EIGHT HUNDRED DOLLARS) and that they could only contribute an additional \$200.00 (TWO HUNDRED DOLLARS) towards the general election if they wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$1,000.00 (ONE THOUSAND DOLLAR) contribution was made to Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer. This amount exceeded the statutory monetary ceiling by \$800.00 (EIGHT HUNDRED DOLLARS).

VII. VIOLATIONS OF THE F.E.C.A.  
BY  
AFSCME QUALIFIED  
IN THE  
1984 FEDERAL GENERAL ELECTION

19. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFSCME-QUALIFIED, for the 1984 general election contributed to candidate Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer a total of \$7,650.84 (SEVEN THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND EIGHTY FOUR CENTS).

20. AFSCME-QUALIFIED contributed the following amounts designated for the 1984 federal general election campaign:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
04/22/83	\$4,314.92G	#8303-272-1392
from 10/18/84 thru 11/11/84	\$3,335.92	#8403-352-2561 #8403-352-2562 #8403-352-2563 #8403-352-2564 #8403-352-2565 #8403-352-2566

Total = \$7,650.84

21. A running total of the amounts contributed to Francis X. McCloskey, The McCloskey for Congress Committee and its treasurer by AFSCME-QUALIFIED would have put it on notice that as of April 22, 1983, it had contributed \$4,314.92 (FOUR THOUSAND THREE HUNDRED FOURTEEN DOLLARS and NINETY TWO CENTS). In violations of

2 U.S.C. §441a(a)(2)(A), AFSCME-QUALIFIED made additional in kind contributions of \$3,335.92 (THREE THOUSAND THREE HUNDRED THIRTY FIVE DOLLARS and NINETY TWO CENTS) between October 18, 1984 and November 11, 1984, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$2,650.84 (TWO THOUSAND SIX HUNDRED FIFTY DOLLARS AND EIGHTY FOUR CENTS).

X. CONCLUSION

22. As documented above, Respondents have knowingly violated the spirit and letter of the Federal Election Campaign Act.

23. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on each of the Respondents.

Respectfully submitted,



Michael E. Avakian  
Center on National Labor Policy  
5211 Port Royal Road  
N. Springfield, VA 22151  
(703) 321-9180

Attorney for Complainant

October 30, 1986



VERIFICATION OF CITIZEN COMPLAINANT

County of Monroe )

)

ss.

State of Indiana )

Pursuant to 2 U.S.C. § 437g(a)(1), I, Bernard Black-Schaffer being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Indiana.

Bernard Black-Schaffer

Subscribed and sworn to before me this 28 day of October  
\_\_\_\_\_ 1986.

Joan N. Headley  
Notary Public

My Commission expires: 1-15-88

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DESIGNATION OF COUNSEL

I, Bernard Black-Schaffer, a complainant to the attached complaint designate the attorney identified below as complainant's attorney of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

Date

10/28/86

Bernard Black-Schaffer  
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian  
Center on National Labor Policy  
Suite 400  
5211 Port Royal Road  
Springfield, Virginia 22151

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FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

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MUR: 2285  
Date Transmitted to  
Commission:  
Staff: Maura White Callaway

RESPONDENTS: Francis McCloskey;  
McCloskey for Congress  
Committee and Betty Merriman, individually and  
as treasurer; National Rural Letter  
Carriers Association Political Action  
Committee and Frank Newham, individually  
and as treasurer; American Federation of  
State, County and Municipal Employees -  
P.E.O.P.L.E, Qualified and William Lucy,  
individually and as treasurer

COMPLAINANT: Bernard Black-Schaffer

SUMMARY OF ALLEGATIONS

The complaint alleges that Francis McCloskey, the McCloskey for Congress Committee, and Betty Merriman, individually and as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from the National Rural Letter Carriers Association Political Action Committee and the American Federation of State, County and Municipal Employees - P.E.O.P.L.E, Qualified in connection with the 1984 general election. The complainant also alleges that Francis McCloskey, the McCloskey for Congress Committee, and its treasurer violated 11 C.F.R. § 104.14(d) by failing to report promptly and accurately certain contributions and by failing to report the receipt of contributions from the above contributors.

Turning to the contributors of the above contributions, the complainant alleges that the National Rural Letter Carriers

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Association Political Action Committee and Frank Newham, individually and as treasurer, and the American Federation of State, County and Municipal Employees - P.E.O.P.L.E, Qualified and William Lucy, individually and as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the McCloskey for Congress Committee in connection with the 1984 general election.

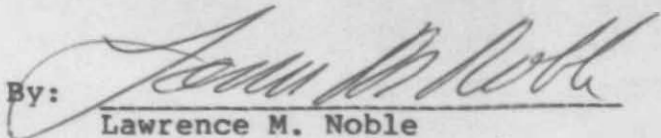
PRELIMINARY LEGAL ANALYSIS

An examination of the complaint indicates that violations of 2 U.S.C. §§ 441a(f), 441a(a)(2)(A), 434(b), and 11 C.F.R. § 104.14(d) may have occurred in this matter. More information is needed to determine whether the contributions at issue were in fact excessive and/or whether reporting violations are involved. Accordingly, the respondents must be given an opportunity to respond to the allegations before the Office of the General Counsel makes recommendations regarding this matter.

Charles N. Steele  
General Counsel

11/3/86  
Date

By:

  
Lawrence M. Noble  
Deputy General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 10, 1986

Frank Newham, Treasurer  
National Rural Letter Carriers Association PAC  
1448 Duke Street, Suite 100  
Alexandria, VA 22314

Re: MUR 2285

Dear Mr. Newham:

The Federal Election Commission received a complaint which alleges that you, both individually and in your capacity as treasurer, and the National Rural Letter Carriers Association PAC, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the National Rural Letter Carriers Association PAC in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Maura Callaway, the staff member assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

*Lawrence M. Noble* (HJ)  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

93040930366



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 10, 1986

William Lucy, Treasurer  
American Federation of State,  
County, and Municipal Employees- PEOPLE, Qualified  
1625 L Street, NW  
Washington, DC 20036

Re: MUR 2285

Dear Mr. Lucy:

The Federal Election Commission received a complaint which alleges that you, both individually and in your capacity as treasurer, and the American Federation of State, County, and Municipal Employees- PEOPLE, Qualified, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the American Federation of State, County, and Municipal Employees- PEOPLE, Qualified in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Maura Callaway, the staff member assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

*Lawrence M Noble (L/N)*  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

93040930368





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 10, 1986

Betty Merriman, Treasurer  
McCloskey For Congress Committee  
PO Box 70  
Bloomington, IN 47402

Re: MUR 2285

Dear Ms. Merriman:

The Federal Election Commission received a complaint which alleges that you, both individually and in your capacity as treasurer, and the McCloskey For Congress Committee, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the McCloskey For Congress Committee in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Maura Callaway, the staff member assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

*Lawrence M Noble (L-2)*  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

93040930370



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 10, 1986

The Honorable Francis McCloskey  
U.S. House of Representatives  
Washington, DC 20515

Re: MUR 2285

Dear Mr. McCloskey:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2285. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Maura Callaway, the staff member assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele  
General Counsel

*Lawrence M. Noble*  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosures  
Complaint  
Procedures  
Designation of Counsel Statement

93040930372





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 10, 1986

Mr. Michael Ernest Avakian  
Center On National Labor Policy  
5211 Port Royal Road, Suite 400  
Springfield, VA 22151

Dear Mr. Avakian:

This letter will acknowledge receipt of a complaint filed by your client, Mr. Bernard Black-Schaffer, which we received on October 30, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Honorable Francis McCloskey, the McCloskey For Congress Committee and Ms. Betty Merriman as treasurer, the American Federation Of State, County and Municipal Employees-PEOPLE, Qualified and Mr. William Lucy as treasurer, and the National Rural Letter Carriers Association PAC and Mr. Frank Newham as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2285. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon at (202) 376-3110.

Sincerely,

Charles N. Steele  
General Counsel

*Lawrence M. Noble (L/N)*  
By: Lawrence M. Noble  
Deputy General Counsel

Enclosure

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LAW OFFICES  
KIRSCHNER, WEINBERG & DEMPSEY  
SUITE 1360  
1615 L STREET, N.W.  
WASHINGTON, D.C. 20036

(202) 775-5900

RICHARD KIRSCHNER  
LARRY P. WEINBERG  
JOHN C. DEMPSEY

MARTHA WALFOORT  
CRAIG BECKER  
JOHN J. SULLIVAN  
KIMBERLEE KELLER  
JOSEPH A. LOPES

OF COUNSEL  
DENNIS D. CLARK

November 19, 1986

Charles N. Steele  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2285

Dear Mr. Steele:

Enclosed please find a Designation of Counsel naming the undersigned as counsel for the American Federation of State, County and Municipal Employees - PEOPLE, Qualified and its Treasurer, William Lucy, in connection with the above-captioned matter. In accordance with the Designation, please have all correspondence and other communications regarding this matter directed to the undersigned.

Sincerely,



Larry P. Weinberg

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PENNSYLVANIA OFFICE  
TENTH FLOOR  
1608 WALNUT STREET  
PHILADELPHIA, PA 19103  
(215) 893-9000

VIRGINIA OFFICE  
10311 COMMONWEALTH BLVD.  
FAIRFAX, VA 22032  
(703) 271-0246

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OFFICE OF THE  
GENERAL COUNSEL

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UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C.

Bernard Black-Schaffer  
4510 Blackstone Court  
Bloomington, Indiana 47401,  
Complainant,  
v.

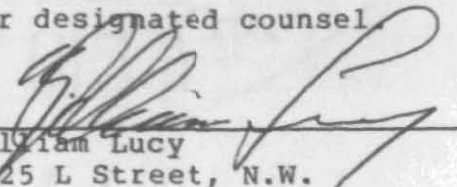
MUR No. 2285

Francis X. McCloskey; McCloskey for  
Congress Committee; National Rural  
Letter Carriers' Association  
Political Action Committee;  
American Federation of State, County  
and Municipal Employees, AFL-CIO, -  
Public Employees Organized to  
Promote Legislative Equality  
Qualified, et al.,  
Respondents.

DESIGNATION OF COUNSEL

I, William Lucy, Treasurer of AFSCME-PEOPLE, Qualified, a  
Political Action Committee affiliated with the American Federation  
of State, County and Municipal Employees, AFL-CIO, on behalf of  
myself as Treasurer and the Committee, hereby designate the attorney  
identified below as our attorney of record. The Federal Election  
Commission shall direct all written and oral communications in  
connection with this matter to our designated counsel.

Date: 11/18/86

  
William Lucy  
1625 L Street, N.W.  
Washington, D.C. 20036  
(202) 429-1000

Designated Counsel

Larry P. Weinberg, Esquire  
KIRSCHNER, WEINBERG & DEMPSEY  
1615 L Street, N.W., Suite 1360  
Washington, D.C. 20036  
(202) 775-5900

93040930375

GCC# 2108

LAW OFFICES  
**KIRSCHNER, WEINBERG & DEMPSEY**  
SUITE 1360  
1615 L STREET, N.W.  
WASHINGTON, D.C. 20036

RICHARD KIRSCHNER  
LARRY P. WEINBERG  
JOHN C. DEMPSEY

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JOHN J. SULLIVAN  
KIMBERLEE KELLER

OF COUNSEL  
DENNIS D. CLARK

(202) 775-5900

PENNSYLVANIA OFFICE  
TENTH FLOOR  
1608 WALNUT STREET  
PHILADELPHIA, PA 19103  
(215) 893-9000

VIRGINIA OFFICE  
10311 COMMONWEALTH BLVD.  
FAIRFAX, VA 22032  
(703) 250-0246

November 25, 1986

Charles N. Steele  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2285

Dear Mr. Steele:

The American Federation of State, County and Municipal Employees/Public Employees Organized for Political and Legislative Equality, Qualified ("AFSCME/PEOPLE") and its Treasurer William Lucy hereby submit the following response to the complaint in the above-referenced Matter Under Review which was served on AFSCME/PEOPLE on November 14, 1986.

In his complaint Mr. Black-Schatter alleges that AFSCME/PEOPLE made contributions to the 1984 general election campaign of Representative Francis X. McCloskey in excess of the limitations set forth in 2 U.S.C. §441a(a)(2)(A). As set forth in the accompanying affidavit of AFSCME Political Action Director Girard P. Clark, which is incorporated herein by reference, AFSCME/PEOPLE made contributions to the McCloskey campaign committee with reference to three federal elections, i.e., the 1982 general, 1984 primary and 1984 general elections. None of the AFSCME/PEOPLE contributions to any of these McCloskey campaigns alone or in total exceed the limitations set forth in 2 U.S.C. §441a(a)(2)(A). In light of this fact, AFSCME/PEOPLE and its Treasurer William Lucy respectfully submit that no action should be taken in this matter by the Commission.

In this complaint Mr. Black-Schatter alleges that the McCloskey campaign violated 2 U.S.C. §441a(f) by accepting the following contributions for the 1984 federal general election (see complaint ¶13):

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GENERAL COUNSEL  
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Page 2

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>
5/20/83	\$ 500.00	AFSCME-Qualified
4/09/84	4,750.00	AFSCME-Qualified
01/25/84	<u>2,900.84</u>	AFSCME-Qualified
Total	8,150.84	

With respect to the 1984 primary election Mr. Black-Schatter alleges (Complaint ¶14) that the McCloskey campaign reported the following contributions:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>
5/20/83	\$ 500	AFSCME-Qualified
4/04/84	<u>4,750</u>	AFSCME-Qualified
Total	5,250	

With respect to AFSCME/PEOPLE's alleged violation of 2 U.S.C §441a(a)(2)(A) Mr. Black-Schatter alleges that AFSCME/PEOPLE made the following contributions to the McCloskey campaign committee with respect to the 1984 general election campaign. (Complaint ¶20)

<u>Date of Contribution</u>	<u>Amount</u>
4/22/83	4,314.92
10/18/84 - 11/11/84	<u>3,335.92</u>
Total	7,650.84

Apparently based upon these allegations Mr. Black-Schatter concludes that the McCloskey campaign violated 2 U.S.C. §441a(f) by accepting \$2,650.84 in excess contributions from AFSCME/PEOPLE for the 1984 general election. (Complaint ¶15). Similarly, based upon his allegations with respect to AFSCME/PEOPLE's contributions to the 1984 McCloskey general election campaign Mr. Black-Schatter concludes that AFSCME/PEOPLE violated 2 U.S.C. §441a(a)(2)(A) by making \$2,650.84 in excess campaign contributions. (Complaint ¶21). AFSCME/PEOPLE respectfully submits that a review of the source documents regarding the AFSCME/PEOPLE contributions will reveal that the contributions in

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question were made to three separate campaigns and were all within the limits set forth in 2 U.S.C. §441a(a)(2)(A).

With respect to the allegation against AFSCME/PEOPLE the documents attached to the affidavit of Girard P. Clark clearly demonstrate that the contribution of \$4,314.92 dated 4/22/83 was made with respect to the 1982 general election and not with respect to the 1984 general election. (Clark Aff., ¶¶3-4; Ex. 1, 2). In reporting this contribution a clerical error was made on AFSCME/PEOPLE's FEC Form 3 dated 5/14/83. Rather than checking the "other" box under disbursements and typing "1982 general election" in the space provided the person filling out the form simply marked the box "general." (Clark Aff., ¶4). AFSCME/PEOPLE will submit an amended FEC form 3 to correct this clerical error.

With respect to the alleged contribution by AFSCME/PEOPLE of \$3,335.92 made between 10/18/84-11/11/84 (Complaint ¶20) AFSCME/PEOPLE submits that no such contribution was made or reported during that period. A review of the AFSCME/PEOPLE Schedule B to FEC Form 3 dated 12/6/84 (Exhibit 11) will reveal that the inkind contributions made by AFSCME/PEOPLE on behalf of the McCloskey campaign for that period total \$2,900.84. (Clark Aff., ¶10). We can only assume that Mr. Black-Schatter got the figure of \$3,335.92 by subtracting the alleged 1984 general election contribution of \$4,314.92 from the year to date (YTD) total of \$7,650.84 reported on the FEC Form 3 dated 12/6/84 (Exhibit 11). 1/

1/ This mistake highlights the problem with reporting campaign contributions on a year to date basis where contributions may be made with respect to two campaign cycles and/or two elections in a given calendar year. For example the YTD figure relied upon by Mr. Black-Schatter in making his allegation (\$7,650.84) is the sum of contributions made by AFSCME/PEOPLE with respect to the 1984 McCloskey primary campaign (\$4,750 dated 3/20/84, Exhibit 9) and the previously discussed inkind contribution to the 1984 McCloskey general election campaign (\$2,900.84 made between 10/18 and 11/5/84, Exhibit 11). AFSCME/PEOPLE submits that the year to date reporting requirement should be modified to indicate the total contributions to a given federal election for the year (i.e., total YTD contributions for the 1984 primary election). The current procedure, which groups the YTD contributions to a given candidate for a number of elections, inevitably produces confusion among individuals, like Mr. Black-Schatter, who look at the YTD figures in isolation and assume that the Act has been violated if that figure exceeds \$5,000.

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In order to provide the Commission with a complete record for its consideration of Mr. Black-Schatter's allegations regarding AFSCME/PEOPLE's contributions to the McCloskey committee and the committee's acceptance of AFSCME/PEOPLE contributions we have set forth all of the contributions made by AFSCME/PEOPLE to the McCloskey campaigns for the 1982 general and 1984 primary and general elections. These contributions are set forth below. The references are to the Affidavit of Girard P. Clark and the exhibits attached thereto.

1982 General Election

<u>Election</u>	<u>Date of Contribution</u>	<u>Date of FEC Report</u>	<u>Amount</u>	<u>Reference to Clark Aff.</u>
1982 General	4/22/83 <u>2/</u>	5/14/83	4,314.92	¶3-4; Exs. 1, 2
1982 General	12/28/82 <u>2/</u>	1/31/83	<u>500.00</u>	¶5; Ex. 3
	<b>Total</b>		<b>4,814.92</b>	<b>¶6</b>
1984 Primary	6/6/83	7/20/83	250.00	¶7; Exs. 5, 6
1984 Primary	3/20/84	4/18/84	<u>4,750.00</u>	¶8; Exs. 7, 8, 9
	<b>Total</b>		<b>5,000.00</b>	<b>¶9</b>
1984 General	10/18-11/5/84	12/6/84	2,900.84	¶10; Exs. 10, 11
1984 General	1/22-1/23/85 <u>3/</u>	2/20/85	<u>1,362.81</u>	¶11-12; Exs. 12, 13
	<b>Total</b>		<b>4,263.65</b>	<b>¶13</b>

2/ These inkind contributions were actually made during the period immediately before the 1982 general election through the use of phone banks to communicate with the general public on behalf of the McCloskey campaign. The expenditures were not made and reported until the dates indicated because the value of the inkind contribution could not be determined until telephone bills had been received and analyzed.

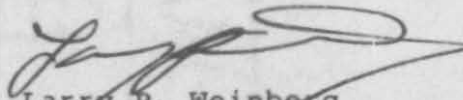
3/ Same as footnote 2, but for the 1984 general election.

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Charles N. Steele  
November 25, 1986  
Page 5

In light of the foregoing, AFSCME/PEOPLE and its Treasurer William Lucy respectfully submit that no further action should be taken by the Commission in this Matter Under Review and that the complaint should be dismissed.

Respectfully submitted,



Larry P. Weinberg  
Counsel for AFSCME/PEOPLE and  
William Lucy

Attachments.

93040930380



UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ELECTION COMMISSION

BERNARD BLACK-SCHATTER,

Complainant,

v.

FRANCES X. McCLOSKEY and AMERICAN  
FEDERATION OF STATE COUNTY AND MUNICIPAL  
EMPLOYEES, PUBLIC EMPLOYEES ORGANIZED  
FOR POLITICAL AND LEGISLATIVE EQUALITY,  
et al.

Respondents.

MUR No. 2285

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OFFICE OF THE  
GENERAL COUNSEL

AFFIDAVIT OF GIRARD P. CLARK

Washington, D.C. ) ss:

GIRARD P. CLARK having been duly sworn deposes and says as follows:

1. I am the Director of Political Action of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME).

2. Among my responsibilities as Director of Political Action for AFSCME are the submission of recommendations for contributions to candidates for federal office to AFSCME's political action committee, Public Employees Organized for Political and Legislative Equality Qualified (PEOPLE). Funds for these contributions come from voluntary contributions made by AFSCME members and their families to PEOPLE.

3. By letter dated June 9, 1983 I informed the McCloskey for Congress campaign committee that AFSCME PEOPLE had made an in-

1 6 2 0 2 6 0 4 0 0 2 6

kind contribution on Paul McCloskey's behalf in the amount of \$4,314.42. In my letter I clearly designated that this in-kind contribution was made with respect to the 1982 general election. (Exhibit 1)

4. When the \$4,314.92 in-kind contribution to the McCloskey campaign committee for the 1982 general election was recorded in the AFSCME PEOPLE FEC report (FEC Form 3, Schedule B) dated 5/19/83 the contribution dated 4/22/83 was designated for the "general" election. (Exhibit 2) However, pursuant to the Commission's regulations, 11 CFR §110.1(a)(2), and instructions for completing FEC Form 3, a contribution for an election which has already taken place must be identified as a disbursement for "other" with the additional information "for 1982 general election" inserted on the appropriate line. An amended FEC Form 3 will be submitted by AFSCME PEOPLE reflecting the fact that the \$4,314.92 in-kind contributions was made with respect to the 1982 McCloskey general election campaign.

5. In reviewing our records we have identified another contribution to the McCloskey campaign with respect to the 1982 general election. This in-kind contribution in the amount of \$500, made on 12/28/82, is listed in the AFSCME PEOPLE December 1982 FEC Form 3 dated 1/31/83. However, the entry regarding this contribution contains no designation for the disbursement. (Exhibit 3). An amended FEC Form 3 will be submitted by AFSCME PEOPLE reflecting the fact that the \$500 in-kind was made for the 1982 McCloskey general election campaign.

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6. The in-kind contributions of \$4,314.92 and \$500 were the only contributions made by AFSCME PEOPLE to the 1982 McCloskey general election campaign.

7. By letter dated June 21, 1983 (Exhibit 4) I transmitted to the McCloskey for Congress committee a contribution from AFSCME PEOPLE in the amount of \$250 (Exhibit 5). This \$250 contribution is reported on the AFSCME PEOPLE FEC Form 3 dated 7/20/83 as a disbursement with respect to the upcoming primary campaign. (Exhibit 6)

8. By letter dated March 28, 1984 (Exhibit 7) I transmitted to the McCloskey for Congress Committee a contribution from AFSCME PEOPLE in the amount of \$4,750 (Exhibit 8). This \$4,750 contribution is reported on the AFSCME PEOPLE FEC Form 3 dated 4/18/84 as a disbursement with respect to the upcoming primary campaign. (Exhibit 9)

9. These contribution in the amount of \$250 and \$4,750 were the only contributions made by AFSCME PEOPLE to 1984 McCloskey Primary Campaign.

10. By letter dated November 21, 1984 I informed the McCloskey for Congress campaign committee that AFSCME PEOPLE had made an in-kind contribution on behalf of Representative McCloskey in the amount of \$2,900.84. (Exhibit 10) In this letter I specifically indicated that this contribution was made with respect to the 1984 general election. (Id.) The individual payments constituting the \$2,900.84 in-kind contribution are detailed in the AFSCME/PEOPLE FEC Form 3 dated 12/6/84 for the period 10/10/84 through 11/26/84. (Exhibit 11) The report indicates

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that all of these payments were made with respect to the 1984 General Election (Id.)

11. By letter dated February 1, 1985 I informed the McCloskey for Congress campaign committee that AFSCME PEOPLE had made an in-kind contribution on Representative McCloskey's behalf in the amount of \$1,362.81. (Exhibit 12) In that letter I specifically indicated that this contribution was made with respect to the 1984 general election. (Id.)

12. In the FEC report filed by AFSCME PEOPLE with respect to the \$1,362.81 in-kind contribution referred to in the preceding paragraph, FEC Form 3, Schedule B, dated 2/20/85 (Exhibit 13) the payments that constitute this contribution are listed as follows:

<u>Payee</u>	<u>Date</u>	<u>Amount</u>
Indiana Bell	1/22/85	\$600.72
Indiana Bell	1/23/85	715.04
AT&T/CS&S	1/22/85	47.05

Both of the Indiana Bell payments are indicated as having been made for "general" elections. However, pursuant to the Commission's regulations and instructions for filling out FEC Form 3 the designation of "general" for a disbursement made after a general election means that the contribution has been made with respect to the next general election (i.e., November 1986). There is no designation of any kind with respect to the disbursement to AT&T/CS&S in the FEC Form 3. Because these in-kind payments were in fact made with respect to the 1984 general election, the information contained in the AFSCME/PEOPLE FEC Form

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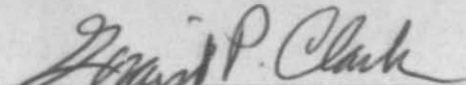


3 is incomplete or in error. An amended report will be filed by AFSCME PEOPLE.

13. The total in-kind contributions of \$2,900.84 and \$1,362.81 were the only contributions made by AFSCME/PEOPLE to the McCloskey campaign with respect to the 1984 general election.

14. AFSCME/PEOPLE is in the process of reviewing its FEC reports to determine whether errors in the designation of, or failure to designate, contributions have been made with respect to contributions to other federal candidates. If and when additional errors are discovered, amended forms will be filed by AFSCME/PEOPLE with the Commission.

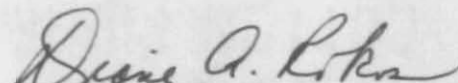
Further Affiant sayeth not.

  
GIRARD P. CLARK  
1625 L Street, N.W.  
Washington, D.C. 20036

Subscribed and sworn to before me, a Notary Public, this 24<sup>th</sup> day of November, 1986.

My Commission Expires:

*June 14, 1991*

  
Notary Public

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RE. P. L. E. — THE LEGISLATIVE / POLITICAL ACTION OF  
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES



**AFSCME**  
*in the public service*



Gerald W. McEntee, President / William Lucy, Secretary-Treasurer

June 9, 1983

McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47401

Dear Representative McCloskey:

We are pleased to inform you that a \$4,314.92 In-Kind campaign contribution has been made to McCloskey for Congress towards the 1982 general election.

Please be advised that AFSCME will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Girard P. Clark  
Director of Political Action

GPC:cjh

cc: Joseph Bolt, International Vice President and Director,  
Council 62  
Ron Reliford, International Union Area Director

Exhibit 1

**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

83 MAY 19 P12: 29

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full) **American Federation of State, County & Municipal Employees Public Employees Organized to Promote Legislative Equality QUALIFIED**

Address (Number and Street)

1625 L St., NW

City, State and ZIP Code

Washington, DC 20036

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C0001114

3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on 4-13-83  
(Date)

4. TYPE OF REPORT (Check appropriate boxes)

- (a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report  
☐ July 15 Quarterly Report ☐ January 31 Year End Report  
☐ July 31 Mid Year Report (Non-Election Year Only)  
☒ Monthly Report for April 1983  
☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)  
election on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ Thirtieth day report following the General Election  
on \_\_\_\_\_ in the State of \_\_\_\_\_  
☐ Termination Report

(b) Is this Report an Amendment?

☐ YES ☒ NO

**SUMMARY**

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>4/1/83</u> through <u>4/30/83</u>		
6. (a) Cash on hand January 1, 19 <u>83</u>		\$ 43,210.20
(b) Cash on Hand at Beginning of Reporting Period	\$ 61,761.28	
(c) Total Receipts (from Line 18)	\$ 32,387.28	\$ 157,084.41
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 94,148.56	\$ 200,294.61
7. Total Disbursements (from Line 28)	\$ 33,046.48	\$ 139,192.53
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 61,102.08	\$ 61,102.08
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ 40,000.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

William Lucy  
Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

Exhibit 2

93040930387

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

## Name of Committee (in Full)

American Federation of State, County & Municipal Employees Public Employees  
Organized to Promote Legislative Equality QUALIFIED

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind con- tribution	Date (month, day, year)	Amount of Each Disbursement This Period
AFSCME International 1625 L St., NW Washington, D.C. 20036	tribution Frank McCloskey D/IN/8 4,314.92 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	4,314.92
B. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L St., NW Washington, DC 20036	Purpose of Disbursement In-kind con- tribution Floyd Pithian D/IN/Senate 3,812.69 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 3,812.69
C. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L St., NW Washington, DC 20036	Purpose of Disbursement In-kind con- tribution William Curry D/CT/6 809.12 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 809.12
D. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L St., NW Washington, DC 20036	Purpose of Disbursement In-kind con- tribution Robert Borski D/PA/3 1,315.38 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 298.20
E. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L St., NW Washington, DC 20036	Purpose of Disbursement In-kind con- tribution Bob Edgar D/PA/7 1,912.10 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 10.00
F. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L Street, NW Washington DC 20036	Purpose of Disbursement In-kind con- tribution Bob Kostmayer D/PA/8 300.00 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 300.00
G. Full Name, Mailing Address and ZIP Code AFSCME International 1625 L St., NW Washington, DC 20036	Purpose of Disbursement In-kind con- tribution Paul Sarbanes D/MD/Senate 4,497.83 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/22/83	Amount of Each Disbursement This Period 4,385.01
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional) .....			13,929.94
TOTAL This Period (last page this line number only) .....			33,046.48



**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

FEC

(Summary Page)

83 JAN 31

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full)

American Federation of State, County  
& Municipal Employees Public Employ-  
ees Organized to Promote Legislative  
Equality QUALIFIED

Address (Number and Street)

P.O. Box 6587

City, State and ZIP Code

Washington, D.C. 20036

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C0001114

3. ☒ This committee qualified as a multicandidate committee during  
this Reporting Period on 12/7/82  
(Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☒ Monthly Report for Nov. 23-Dec. 31, 1982

☐ Twelfth day report preceding \_\_\_\_\_  
(Type of Election)

election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Thirtieth day report following the General Election

on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES

☒ NO

**SUMMARY**

5. Covering Period November 23 through December 31, 1982

6. (a) Cash on hand January 1, 19 82

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and  
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee  
(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee  
(Itemize all on Schedule C or Schedule D)

COLUMN A  
This Period

COLUMN B  
Calendar Year-to-Date

\$ 94,311.48

\$ 86,359.77

\$ 61,190.34 \$ 422,470.66

\$ 147,550.11 \$ 516,782.14

\$ 104,339.91 \$ 473,571.94

\$ 43,210.20 \$ 43,210.20

\$ -0-

\$ 100,000.00

I certify that I have examined this Report and to the best of my knowledge and belief  
it is true, correct and complete.

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

William Lucy

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

LINE NUMBER  
(Use separate schedule(s) for each  
category of the Detailed  
Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full) American Federation of State, County & Municipal Employees  
Public Employees Organized to Promote Legislative Equality QUALIFIED

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Barney Frank D/MA/4 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$7,250.00	12/28/82	500.00
B. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Nicholas Mavroules D/MA/6 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$2,300.00	12/28/82	300.00
C. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Robert Torricelli D/NJ/9 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$4,300.00	12/28/82	300.00
D. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Paul Offner D/WI/3 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$1,804.25	12/28/82	100.00
E. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Robert Kastenmeier D/WI/2 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify): \$750.00	12/28/82	150.00
F. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Joe Merlino D/NJ/4 Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): \$5,600.00	12/28/82	600.00
G. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Frank McCloskey D/IN/8 Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): \$500.00	12/28/82	500.00
H. Full Name, Mailing Address and ZIP Code American Federation of State County & Municipal Employees 1625 L Street, N.W. Washington, D.C. 20036	In-Kind Contrib. Frank Harrison D/PA/11 Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify): \$3,211.49	12/28/82	516.67
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional) .....			2,966.67
TOTAL This Period (last page this line number only) .....			



**AFSCME**  
**in the public service**



Gerald W. McEntee, President William Lucy, Secretary-Treasurer

June 21, 1983

McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Dear Representative McCloskey:

On behalf of the American Federation of State, County and Municipal Employees and its President, Gerald W. McEntee, I am pleased to enclose a \$250 contribution to McCloskey for Congress.

I extend AFSCME's best wishes to you for a successful campaign and look forward to working with you on AFSCME's legislative priorities.

Sincerely,

Girard P. Clark  
Director of Political Action

GPC:cjh

cc: Joseph Bolt, International Vice President and Director,  
Council 62  
Ron Reliford, International Union Area Director

Exhibit 4





AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES-AFL-CIO  
1625 L STREET, N.W., WASHINGTON, D.C. 20036  
PUBLIC EMPLOYEES ORGANIZED TO PROMOTE  
LEGISLATIVE EQUALITY  
QUALIFIED CONTRIBUTIONS COMMITTEE

1610

PAY  
TO THE  
ORDER OF

05/30/83  
McCloskey for Congress

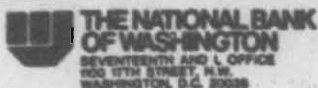
SORTER 3 000070214

6-6 19 83

15-773  
540 23

\$ 250.00\*

Two Hundred Fifty and 00/100-----DOLLARS



THE NATIONAL BANK  
OF WASHINGTON  
SEVENTEENTH AND L OFFICE  
100 17TH STREET, N.W.  
WASHINGTON, D.C. 20036

*James J. Durlin*  
*James J. Durlin*

FOR

#001610# 054000072# 1-264 95 8#

#0000025000#

93040930392

JUN 28 1983  
PAY AND BANK  
CREDIT CO. INC.

2-82-222  
PAY AND BANK  
CREDIT CO. INC.  
FIRST NATIONAL BANK  
OF BLOOMINGTON  
0749-0227 0749-0227

7-227 71-227  
JUN 28 1983  
2222884444

PAY TO THE ORDER OF  
FIRST NATIONAL BANK  
OF BLOOMINGTON, IND.  
POST ONLY  
14-430 1



REPORT OF RECEIPTS AND DISBURSEMENT  
For a Political Committee Other Than an Authorized Committee

RECEIVED AT THE FEC

(Summary Page)

83 JUL 20 P 3:55

<p>ALIGN AREA</p> <p>1. Name of Committee (In Full) <b>American Federation of State, County &amp; Municipal Employees Public Employees Organized to promote Legislative Equality QUALIFIED</b></p> <p>Address (Number and Street) <b>1625 L St., NW</b></p> <p>City, State and ZIP Code <b>Washington, DC 20036</b></p> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <p>2. FEC Identification Number <b>C0001114</b></p> <p>3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on <b>6/6/83</b></p>	<p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p><input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input checked="" type="checkbox"/> Monthly Report for <b>June 1983</b></p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
---	--

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<b>6/1/83 through 6/30/83</b>		
6. (a) Cash on hand January 1, 19 <b>83</b>			\$ 43,210.20
(b) Cash on Hand at Beginning of Reporting Period		\$ 81,873.76	
(c) Total Receipts (from Line 18)		\$ 35,485.36	\$ 246,899.46
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 117,359.12	\$ 290,109.66
7. Total Disbursements (from Line 28)		\$ 63,274.38	\$ 236,024.92
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 54,084.74	\$ 54,084.74
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ -0---	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

William Lucy  
Type or Print Name of Treasurer

William Lucy  
SIGNATURE OF TREASURER

7/5/83  
Date

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3x are obsolete and should no longer be used.

<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	FEC FORM 3X (3/80)
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93040930393

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Page 4 of 4 for  
 LINE NUMBER         
 (Use separate schedule(s) for each  
 category of the Detailed  
 Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full) **American Federation of State, County and Municipal Employees, Public Employees Organized to Promote Legislative Equality, QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Contrib.	Date (month, day, year)	Amount of Each Disbursement This Period
Al Swift for Congress Committee P. O. Box 941 Everett, Washington 98206	Al Swift D/WA/2	\$250.00	6/6/83	\$ 250.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Contrib.	Date (month, day, year)	Amount of Each Disbursement This Period
✓ McCloskey for Congress P. O. Box 70 Bloomington, Indiana 47402	Frank McCloskey D/IN/8	\$4,564.92	6/6/83	250.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Contrib.	Date (month, day, year)	Amount of Each Disbursement This Period
Bosco for Congress 7741 Heatherton Lane Potomac, Maryland 20854	Doug Bosco D/CA/1	\$750.00	6/6/83	500.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Contrib.	Date (month, day, year)	Amount of Each Disbursement This Period
New Mexicans for Bill Richardson 1918 Belmont, N.W. Washington, D.C. 20009	Bill Richardson D/NM/3	\$500.00	6/6/83	500.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Contrib.	Date (month, day, year)	Amount of Each Disbursement This Period
William Lehman Campaign Fund Southeast Post Office P. O. Box 8985 Washington, D.C. 20003	William Lehman D/FL/17	\$500.00	6/6/83	500.00
	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement		Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement		Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement		Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement		Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
SUBTOTAL of Disbursements This Page (optional) . . . . .				\$ 2,000.00
TOTAL This Period (last page this line number only) . . . . .				\$17,150.00

93040930394



**AFSCME**  
*in the public service*



Gerald W. McEntee, President William Lucy, Secretary-Treasurer

March 28, 1984

McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Dear Representative McCloskey:

On behalf of the American Federation of State, County and Municipal Employees, we are pleased to enclose a \$4,750 contribution to McCloskey for Congress.

We extend AFSCME's best wishes to you for a successful campaign and look forward to working with you on AFSCME's legislative priorities.

Sincerely,

William Lucy  
International Secretary-Treasurer

Gerald W. McEntee  
International President

GWMcE/WL:cjh

cc: Joseph Bolt, International Vice President and Director,  
Council 62  
Ron Reliford, International Union Area Director

Exhibit 7





AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES-AFL-CIO  
1625 L STREET, N.W., WASHINGTON, D.C. 20036  
PUBLIC EMPLOYEES ORGANIZED TO PROMOTE  
LEGISLATIVE EQUALITY  
QUALIFIED CONTRIBUTIONS COMMITTEE

1904

3/20 19 84

19-722  
540 23

PAY  
TO THE  
ORDER OF

McCloskey for Congress 84 004 10 0750 407546351

\$4,750.00\*

Four Thousand Seven Hundred Fifty and 00/100-----

DOLLARS



THE NATIONAL BANK  
OF WASHINGTON  
SEVENTEENTH AND L OFFICE  
100 17TH STREET, N.W.  
WASHINGTON, D.C. 20036

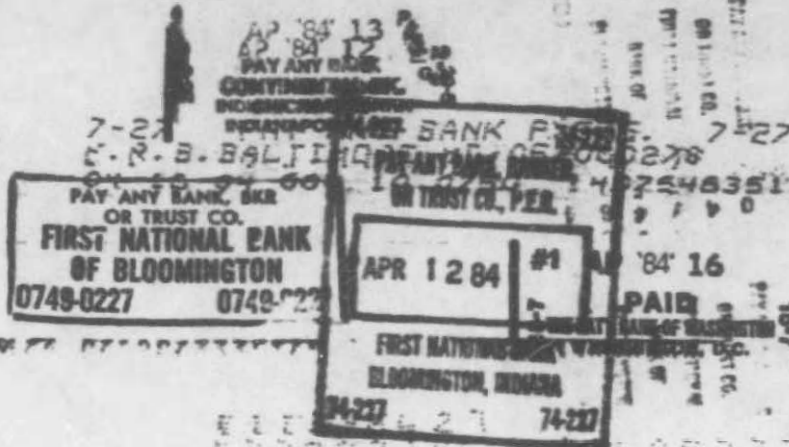
*Ernest F. Lepolinski*  
*James C. Paul*

FOR

#001904# #0540000721# 1-284 95-8#

#0000475000#

93040930396





**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

(Summary Page)

<div style="border: 1px solid black; padding: 2px;">ALIGN AREA</div> <p>1. Name of Committee (In Full) <b>American Federation Of State, County &amp; Municipal Employees Public Employees Organized to Promote Legislative Equality QUALIFIED</b></p> <hr/> <p>Address (Number and Street) <b>1625 L St., NW</b></p> <hr/> <p>City, State and ZIP Code <b>Washington, DC 20036</b></p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number <b>C0001114</b></p> <hr/> <p>3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on <u><b>3/7/84</b></u> <small>(Date)</small></p>	<div style="border: 1px solid black; padding: 2px;">ALIGN AREA</div> <p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p><input type="checkbox"/> April 15 Quarterly Report      <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report      <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input checked="" type="checkbox"/> Monthly Report for <u><b>3/1/84 - 3/31/84</b></u></p> <p><input type="checkbox"/> Twelfth day report preceding _____ <small>(Type of Election)</small></p> <p>election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election</p> <p>on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p align="center"><input type="checkbox"/> YES      <input checked="" type="checkbox"/> NO</p>
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SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u><b>3/1/84</b></u> through <u><b>3/31/84</b></u>		
6. (a) Cash on hand January 1, 19 <u><b>84</b></u>			\$ <b>92,707.82</b>
(b) Cash on Hand at Beginning of Reporting Period		\$ <b>106,729.60</b>	
(c) Total Receipts (from Line 18)		\$ <b>74,449.42</b>	\$ <b>171,429.47</b>
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ <b>181,179.02</b>	\$ <b>264,137.29</b>
7. Total Disbursements (from Line 28)		\$ <b>111,163.00</b>	\$ <b>194,121.27</b>
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ <b>70,016.02</b>	\$ <b>70,016.02</b>
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ <b>0</b>	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ <b>0</b>	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

**William Lucy**  
Type or Print Name of Treasurer

*William Lucy*  
SIGNATURE OF TREASURER

**4/18/84**  
Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

NOTE Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

93040930397

EDULE B

ITEMIZED DISBURSEMENTS

Page 2 of 8 for  
LINE NUMBER 21  
(Use separate schedule(s) for each  
category of the Detailed  
(Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.			
Name of Committee (in Full)			
American federation of State County & Municipal Employees Public Employees Organized to Promote Legislative Equality QUALIFIED.			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bob Wise for Congress Committee 12 Capitol Street Charleston, WV 25301	\$2,000.00 Robert Wise Contribu. D/WV/3 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/2/84	\$2,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Wachob for Congress '84 Comm. P. O. Box 53 Johnsonburg, PA 15845	\$2,000.00 Bill Wachob Contribu. D/PA/23 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/2/84	\$1,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Congressional District Seven Delegates for Mondale 2925 Alline Avenue Tampa, FL 33611	\$1,000.00 Delegate Slate Comm. FL/7CD Contr. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	3/1/84	\$1,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
McCloskey for Congress P. O. Box 70 Bloomington, IN 47402	\$4,750.00 Francis McCloskey - D/IN/8 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/20/84	\$4,750.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Phil Sharp P. O. Box 1046 Muncie, IN 47305	\$5,000.00 Phil Sharp Contribut. D/IN/2 Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/20/84	5,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Matthew Martinez Congressional Committee P. O. Box 1754 Washington, D.C. 20013	\$1,200.00 Matthew Martinez D/CA/30 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/21/84	\$1,200.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Congressman Patterson Election Committee P. O. Box 418 Santa Ana, CA 92702	\$2,000.00 Jerry Patterson Contribution D/CA/30 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/21/84	\$2,000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Return George Brown to Congress P. O. Box 1421 Riverside, CA 92502	\$2,000.00 George F. Brown, Jr. D/CA/36 Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/21/84	\$2,000.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Ken Spaulding for Congress Committee P. O. Box 25175 Durham, N.C. 27702	\$3,500.00 Ken Spaulding Contribu. D/NC/2 Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	3/21/84	\$3,500.00
SUBTOTAL of Disbursements This Page (optional)			\$22,450.00
TOTAL This Period (last page this line number only)			

93040930398



**AFSCME**  
**in the public service**

Gerald W. McEntee, President William Lucy, Secretary-Treasurer



1984 Indiana  
APP File

November 21, 1984

McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Dear Representative McCloskey:

I am pleased to inform you that a \$2,900.84 In-Kind campaign contribution has been made to McCloskey for Congress towards the 1984 general election.

Please be advised that AFSCME will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Girard P. Clark  
Director of Political Action

GPC:mc

cc: Joseph Bolt, International Vice President  
and Director, Council 62  
Ron Reliford, International Union Area Director

Exhibit 10

1625 L STREET N.W. WASHINGTON, D.C. 20036 (202) 429-1021



**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

RECEIVED AT THE FEC

(Summary Page)

<p><b>ALIGN AREA</b> <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span></p> <p>1. Name of Committee (In Full) <b>American Federation of State, County &amp; Municipal Employees Public Employees Organized to Promote Legislative Equality QUALIFIED</b></p> <hr/> <p>Address (Number and Street) <b>1625 L St., NW</b></p> <hr/> <p>City, State and ZIP Code <b>Washington, DC 20036</b></p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number <b>C0001114</b></p> <hr/> <p>3. <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)</p>	<p><b>4. TYPE OF REPORT</b> (Check appropriate boxes) <span style="float: right;">P 4 47</span></p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)</p> <p>election on _____ in the State of _____</p> <p><input checked="" type="checkbox"/> Thirtieth day report following the General Election</p> <p>on <b>11/6/84</b> in the State of <b>All</b></p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p align="center"><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p>
--	--

**SUMMARY**

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <b>10/18/84</b> through <b>11/26/84</b>		
6. (a) Cash on hand January 1, 19 <b>84</b>		\$ 92,707.82
(b) Cash on Hand at Beginning of Reporting Period	\$ 121,572.26	
(c) Total Receipts (from Line 18)	\$ 68,239.81	\$ 886,871.85
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 189,812.07	\$ 979,579.67
7. Total Disbursements (from Line 28)	\$ 105,963.20	\$ 895,730.80
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 83,848.87	\$ 83,848.87
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ 260,000.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information contact:

Federal Election Commission  
Toll Free 800-424-9530  
Local 202-523-4068

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Date

NOTE Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)



## SCHEDULE B

## ITEMIZED DISBURSEMENTS

LINE NUMBER \_\_\_\_\_  
(Use separate schedule(s) for each  
category of the Detailed  
Summary Page)

10-18-84 thru 11-26-84

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Name of Committee (in Full) American Federation of State County & Municipal Employees  
Public Employees Organized to Promote Legislative Equality QUALIFIED

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
✓ Lynn Hatley 3602 Stafford Drive Bloomington, IN 47401	*	10/24/84	\$ 10.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	56.00
	<input type="checkbox"/> Other (specify):	11/5/84	14.00
✓ Wanda Greathouse 3602 Stafford Drive Bloomington, IN 47401	*	10/24/84	105.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	2.63
	<input type="checkbox"/> Other (specify):	10/24/84	157.50
✓ Greta Fields 1309 Ravenswood Evansville, IN 47714	*	10/25/84	31.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	31.50
	<input type="checkbox"/> Other (specify):		
✓ D. Full Name, Mailing Address and ZIP Code Ray Robinson 1424 N. Pennsylvania Indianapolis, IN 46202	*	10/25/84	126.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	57.96
	<input type="checkbox"/> Other (specify):		
✓ E. Full Name, Mailing Address and ZIP Code George Cummings 4111 Vernal Pk., #117 Bloomington, IN 47401	*	11/5/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ F. Full Name, Mailing Address and ZIP Code Lula Crum 3407 Reba St. Bloomington, IN 47401	*	11/5/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ G. Full Name, Mailing Address and ZIP Code Sean McCloskey 2305 Burberry Lane Bloomington, IN 47401	*	10/24/84	49.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	59.50
	<input type="checkbox"/> Other (specify):	11/5/84	14.00
✓ H. Full Name, Mailing Address and ZIP Code Jenifer Milholland 4780 N. Loudon Rd. Bloomington, IN 47401	*	10/24/84	38.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	31.50
	<input type="checkbox"/> Other (specify):	10/24/84	14.00
✓ I. Full Name, Mailing Address and ZIP Code Tanya Alltop RR 3, Box 351 Spencer, IN 47460	*	10/24/84	38.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	21.00
	<input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			\$886.59
TOTAL This Period (last page this line number only)			

In kind contribution Frank McCloskey D/IN/8

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

LINE NUMBER \_\_\_\_\_  
(Use separate schedule(s) for each  
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Name of Committee (in Full) **American Federation of State County & Municipal Employees  
Public Employees Organized to Promote Legislative Equality QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
✓ Dale Baker 617 Monroe Evansville, IN 47713	*	10/18/84	\$ 31.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	31.50
	<input type="checkbox"/> Other (specify):	10/25/84	31.50
✓ B. Full Name, Mailing Address and ZIP Code Margie Wilson 6118 Locust Dr. Evansville, IN 47712	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		15.75
	<input type="checkbox"/> Other (specify):		
✓ C. Full Name, Mailing Address and ZIP Code Ruth Baker 617 Monroe Evansville, IN 47713	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	14.00
	<input type="checkbox"/> Other (specify):	10/25/84	42.00
D. Full Name, Mailing Address and ZIP Code Jerry Ash 1424 Judson Evansville, IN 47713	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	17.50
	<input type="checkbox"/> Other (specify):		56.00
E. Full Name, Mailing Address and ZIP Code Jernell Payne 2155 Ravenswood Evansville, IN 47714	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	22.75
	<input type="checkbox"/> Other (specify):	10/25/84	31.50
F. Full Name, Mailing Address and ZIP Code Eunice Nelson 1601 S. Grand Evansville, IN 47713	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		14.00
	<input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code Joe Rhienlander 519 N. 4th St. Evansville, IN 47710	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		15.75
	<input type="checkbox"/> Other (specify):		
✓ H. Full Name, Mailing Address and ZIP Code Richard Irwin 1424 N. Pennsylvania Indianapolis, IN 46202	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	14.00
	<input type="checkbox"/> Other (specify):		5.25
✓ I. Full Name, Mailing Address and ZIP Code Sherry Stone P. O. Box 32 Chandler, IN 47610	*	10/18/84	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	42.00
	<input type="checkbox"/> Other (specify):		29.75
SUBTOTAL of Disbursements This Page (optional)			\$456.75
TOTAL This Period (last page this line number only)			

\* In kind contribution Frank McCloskey D/IN/8

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

LINE NUMBER \_\_\_\_\_  
 (Use separate schedule(s) for each  
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Name of Committee (in Full) **American Federation of State County & Municipal Employees  
 Public Employees Organized to Promote Legislative Equality QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
✓ Linda Musgrave 525 E. Jefferson Chandler, IN 47713	*	10/18/84	\$ 28.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	31.50
	<input type="checkbox"/> Other (specify):	10/25/84	21.00
✓ B. Full Name, Mailing Address and ZIP Code Christy Stewart 4630 Spring Valley Road Evansville, IN 47715	*	10/18/84	42.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	29.75
	<input type="checkbox"/> Other (specify):	10/25/84	21.00
✓ C. Full Name, Mailing Address and ZIP Code Frances Noffsinger 1817 Hercules St. Evansville, IN 47711	*	10/18/84	12.25
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
D. Full Name, Mailing Address and ZIP Code Ina Mae Latham 7922 Elna Kay Drive Evansville, IN 47715	*	10/18/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
E. Full Name, Mailing Address and ZIP Code Noram Fields 5186 Cass Avenue Evansville, IN 47715	*	10/18/84	35.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	10.50
	<input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code Elva Lang 4310 E. Ruicisides Evansville, IN 47715	*	10/18/84	84.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	56.00
	<input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code Bill Walters 8201 Spry Rd. Evansville, IN 47715	*	10/18/84	21.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/25/84	14.00
	<input type="checkbox"/> Other (specify):		
✓ H. Full Name, Mailing Address and ZIP Code Kenny Kellers 2505 Negley Ct. Evansville, IN 47711	*	10/18/84	7.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ I. Full Name, Mailing Address and ZIP Code Mike Williams 4205 Pollack Avenue Evansville, IN 47715	*	10/18/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		

SUBTOTAL of Disbursements This Page (optional)

\$441.00

TOTAL This Period (last page this line number only)

In kind contribution Frank McCloskey D/IN/8



## SCHEDULE B

## ITEMIZED DISBURSEMENTS

(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full) **American Federation of State County & Municipal Employees**  
**Public Employees Organized to Promote Legislative Equality QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
✓ Evalon Mathis 2600 S. Madison St. Bloomington, IN 47401	*	10/24/84	\$ 38.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	45.50
	<input type="checkbox"/> Other (specify):	11/5/84	14.00
✓ B. Full Name, Mailing Address and ZIP Code Janice Ranord 837 Ranson Lane Bloomington, IN 47401	*	10/24/84	28.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ C. Full Name, Mailing Address and ZIP Code Jim Sindors 8308 N. Mt. Fabor Rd. Ellettsville, IN 47429	*	10/24/84	35.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	56.00
	<input type="checkbox"/> Other (specify):	11/5/84	14.00
40 D. Full Name, Mailing Address and ZIP Code Dan Greathouse 3602 Stafford Drive Bloomington, IN 47401	*	10/19/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
53 E. Full Name, Mailing Address and ZIP Code Angie Gurley 320 W. 1st St. Bloomington, IN 47401	*	10/19/84	10.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General	10/24/84	35.00
	<input type="checkbox"/> Other (specify):	10/24/84	3.50
40 F. Full Name, Mailing Address and ZIP Code Karen Hoke D-209 Feter Bloomington, IN 47401	*	10/24/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
3 G. Full Name, Mailing Address and ZIP Code Dee Ann Looney Briscoe-Shoemaker 718 Bloomington, IN 47401	*	10/24/84	24.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ H. Full Name, Mailing Address and ZIP Code Tracy Hamilton Briscoe-Shoemaker 405 Bloomington, IN 47401	*	10/24/84	38.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
✓ I. Full Name, Mailing Address and ZIP Code Lisa Manuel McNutt N-265 Bloomington, IN 47401	*	10/24/84	38.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General		
	<input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			\$409.50
TOTAL This Period (last page this line number only)			

In kind contribution Frank McCloskey D/IN/8



## SCHEDULE B

## ITEMIZED DISBURSEMENTS

LINE NUMBER \_\_\_\_\_  
 (Use separate schedule(s) for each  
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Name of Committee (in Full) **American Federation of State County & Municipal Employees  
 Public Employees Organized to Promote Legislative Equality QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
✓ Lana Wanford 1305 Olive St. Evansville, IN 47714	*	10/18/84	\$24.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
✓ B. Full Name, Mailing Address and ZIP Code Ann Walter 1424 N. Pennsylvania Indianapolis, IN 46202	*	10/18/84	26.25
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
✓ C. Full Name, Mailing Address and ZIP Code Connie Blanton c/o Evansville State Hospital Evansville, IN 47715	*	10/18/84	40.25
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/25/84	29.75
		10/25/84	31.50
D. Full Name, Mailing Address and ZIP Code Mary Pickett 508 Craig Evansville, IN 47712	*	10/18/84	45.50
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
E. Full Name, Mailing Address and ZIP Code Elizabeth Bland 1000 Fulton Parkway, #909 Evansville, IN 47710	*	10/18/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/25/84	21.00
F. Full Name, Mailing Address and ZIP Code Mosla Lindsey 1601 S. Grand Evansville, IN 47713	*	10/18/84	14.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
✓ G. Full Name, Mailing Address and ZIP Code Ruch Roach 1424 N. Pennsylvania Indianapolis, IN 46202	*	10/18/84	8.75
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
✓ H. Full Name, Mailing Address and ZIP Code Lisa Lathom 1424 N. Pennsylvania Indianapolis, IN 46202	*	10/18/84	7.00
	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):		
✓ I. Full Name, Mailing Address and ZIP Code Patricia Cummings 4111 Vernal Parkway, #117 Bloomington, IN 47401	*	11/5/84	14.00
	YTD 7650.84 Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/19/84	42.00
		10/24/84	35.00
SUBTOTAL of Disbursements This Page (optional)		10/24/84	28.00
		11/5/84	14.00
TOTAL This Period (last page this line number only)			

\* In kind contribution Frank McCloskey D/IN/8 YTD 7650.84

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

Page -- 01 -- of 101

LINE NUMBER

(Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)

American Federation of State, County & Municipal Employees, Public Employees Organized to Promote Legislative Equality, QUALIFIED

A. Full Name, Mailing Address and ZIP Code

Mary May  
115 E. Miller St.  
Bloomington, IN 47401

Purpose of Disbursement

\*

Date (month, day, year)

Amount of Each Disbursement This Period

10/19/84

\$ 42.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

11/5/84

14.00

B. Full Name, Mailing Address and ZIP Code

Meloda Charlesworth  
4111 Vernal Pk., #91  
Bloomington, IN 47401

Purpose of Disbursement

\*

Date (month, day, year)

Amount of Each Disbursement This Period

10/19/84

42.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

11/5/84

49.00 70.00

10/24/84

66.50 14.00

C. Full Name, Mailing Address and ZIP Code

Rachelle Geiger  
116 Briscoe St.  
Bloomington, IN 47401

Purpose of Disbursement

\*

Date (month, day, year)

Amount of Each Disbursement This Period

11/5/84

14.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

YTD 7650.84

D. Full Name, Mailing Address and ZIP Code

Media International  
247 E. Ontario St.  
Chicago, IL 60611

Purpose of Disbursement In-kind Contrib.  
15861

Walter Mondale D/President

Date (month, day, year)

Amount of Each Disbursement This Period

11/19/84

158.61

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

E. Full Name, Mailing Address and ZIP Code

Richard Bloomingdale  
301 Chestnut St.  
Harrisburg, PA 17101

Purpose of Disbursement In-kind Contrib.  
5477.41

Bill Wachob D/PA/23

Date (month, day, year)

Amount of Each Disbursement This Period

11/16/84

445.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

F. Full Name, Mailing Address and ZIP Code

Teacher For Congress  
520 Main St  
New Rochelle, NY 10801

Purpose of Disbursement Contrib.  
Oren Teicher  
D/NY/20

2500.00

Date (month, day, year)

Amount of Each Disbursement This Period

11/14/84

2,500.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify): Debt Retire.

G. Full Name, Mailing Address and ZIP Code

Keep Kastenmeier in Congress  
P. O. Box 1742  
Madison, WI 53701

Purpose of Disbursement Contrib.  
Bob Kastenmeier

D/WI/2

1411.96

Date (month, day, year)

Amount of Each Disbursement This Period

11/14/84

83.00

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

H. Full Name, Mailing Address and ZIP Code

Southern Bell  
P. O. Box 02-4000  
Miami, FL 33110-0001

Purpose of Disbursement In-kind Contrib.  
4087.49

Larry Smith D/FL/16

Date (month, day, year)

Amount of Each Disbursement This Period

8/14/84

505.72

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

I. Full Name, Mailing Address and ZIP Code

Election Computer Services  
575 Lexington Avenue  
New York, NY 10022

Purpose of Disbursement In-kind Contrib. - George 3609.05

Hochbrueckner D/NY/1

Date (month, day, year)

Amount of Each Disbursement This Period

11/2/84

275.32

Disbursement for: ☐ Primary ☒ General  
☐ Other (specify):

SUBTOTAL of Disbursements This Page (optional)

\$4,279.15

TOTAL This Period (last page this line number only)

\*In-kind contribution - Frank McCloskey D/IN/8 - YTD 7650.84

2491.34



**AFSCME**  
*in the public service*



Gerald W. McEntee, President; William Lucy, Secretary-Treasurer

February 1, 1985

McCloskey for Congress Committee  
P.O. Box 70  
Bloomington, Indiana 47402

Dear Representative McCloskey:

I am pleased to inform you that a \$1,362.81 In-Kind campaign contribution has been made to the McCloskey for Congress Committee towards the 1984 general election.

Please be advised that AFSCME will be reporting this amount to the FEC.

If you should have any questions, please contact my office.

Sincerely,

Girard P. Clark  
Political Action Director

GPC:mc

cc: Joseph Bolt, International Vice President  
and Director, Council 62  
Ron Reliford, International Union Area Director

Exhibit 12

93040930407



REPORT OF RECEIPTS AND DISBURSEMENTS  
For a Political Committee Other Than an Authorized Committee

(Summary Page)

ALIGN AREA

ALIGN AREA

1. Name of Committee (In Full) American Federation of  
State, County and Municipal Employees  
Public Employees Organized to Promote  
Legislative Equality QUALIFIED

Address (Number and Street)

1625 L Street, N.W.

City, State and ZIP Code

Washington, D.C. 20036

☐ Check here if address is different than previously reported.

2. FEC Identification Number

C0001114

3. ☐ This committee qualified as a multicandidate committee during  
this Reporting Period on 1/22/85  
(Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) ☐ April 15 Quarterly Report ☐ October 15 Quarterly Report

☐ July 15 Quarterly Report ☐ January 31 Year End Report

☐ July 31 Mid Year Report (Non-Election Year Only)

☒ Monthly Report for January 1-31, 1985

☐ Twelfth day report preceding \_\_\_\_\_  
(Type of Election)

election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Thirtieth day report following the General Election

on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ Termination Report

(b) Is this Report an Amendment?

☐ YES

☒ NO

SUMMARY

5. Covering Period January 1, 1985 through January 31, 1985

6. (a) Cash on hand January 1, 1985

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add Lines 6(b) and 6(c) for Column A and  
Lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))

9. Debts and Obligations Owed TO The Committee  
(Itemize all on Schedule C or Schedule D)

10. Debts and Obligations Owed BY the Committee  
(Itemize all on Schedule C or Schedule D)

COLUMN A  
This Period

COLUMN B  
Calendar Year-to-Date

\$ 64,480.67

\$ 64,480.67

\$ 77,698.86

\$ 77,698.86

\$ 142,179.53

\$ 142,179.53

\$ 51,581.76

\$ 51,581.76

\$ 90,597.77

\$ 90,597.77

\$ -0-

\$ 135,000.00

I certify that I have examined this Report and to the best of my knowledge and belief  
it is true, correct and complete.

WILLIAM LUCY

Type or Print Name of Treasurer

*William Lucy*  
SIGNATURE OF TREASURER

2/20/85  
Date

For further information contact:

Federal Election Commission

Toll Free 800-424-9530

Local 202-523-4068

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)



**SCHEDULE B**

**ITEMIZED DISBURSEMENTS**

Page 2 of 3 for  
LINE NUMBER 21  
(Use separate schedule(s) for each  
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Name of Committee (in Full) **American Federation of State, County and Municipal Employees**  
**Public Employees Organized to Promote Legislative Equality QUALIFIED**

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Norm D'Amours D/NH/1 201.98	Date (month, day, year)	Amount of Each Disbursement This Period
New England Telephone P.O. Box 9000 Manchester, New Hampshire 03108	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/11/85	201.98
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Bill Ratchford D/CT/5 566.06	Date (month, day, year)	Amount of Each Disbursement This Period
Southern New England Telephone P.O. Box 1861 New Haven, Connecticut 06508	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/11/85	566.06
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Dudley Dudley D/NH/1 225.74	Date (month, day, year)	Amount of Each Disbursement This Period
New England Telephone P.O. Box 9000 Manchester, New Hampshire 03108	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/11/85	225.74
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Frank McCloskey D/IN/8 647.77	Date (month, day, year)	Amount of Each Disbursement This Period
Indiana Bell P.O. Box 7094 Indianapolis, Indiana 45207-7094	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/22/85	600.72
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. James McNulty D/AZ/5 1,685.73	Date (month, day, year)	Amount of Each Disbursement This Period
Mountain Bell P.O. Box 29060 Phoenix, Arizona 85038	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/24/85	880.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. George Hoch- brueckner D/NY/1 387.53	Date (month, day, year)	Amount of Each Disbursement This Period
New York Telephone General Post Office New York, New York 10196	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/22/85	387.53
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Frank McCloskey D/IN/8 1,362.81	Date (month, day, year)	Amount of Each Disbursement This Period
Indiana Bell P.O. Box 7091 Indianapolis, Indiana 46207-7091	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/23/85	715.04
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement In-kind Contrib. Frank McCloskey D/IN/8 47.05	Date (month, day, year)	Amount of Each Disbursement This Period
AT & T/CS + S Payment Center Louisville, KY 40285-0199	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/22/85	47.05
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contrib. M. Udall D/AZ/2 reported 1/24/84	Date (month, day, year)	Amount of Each Disbursement This Period
Celebrate Arizona P.O. Box 1944 Phoenix, AZ 85001	Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	1/31/85	(600.00)
SUBTOTAL of Disbursements This Page (optional) . . . . .			3024.12
TOTAL This Period (last page this line number only) . . . . .			

CHECK VOIDED PREVIOUSLY REPORTED

— CONGRESSMAN —  
**McCloskey**

... ON OUR SIDE

November 24, 1986

Lois G. Lerner  
Associate General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 2285  
MUR 2287

Dear Ms. Lerner:

This letter is to confirm our telephone conversation of November 24, 1986, regarding the above numbered complaints filed with the Federal Election Commission.

On behalf of the McCloskey for Congress Committee, I would like to request that the time within which to respond to the complaints be extended to December 1, 1986. As I indicated in our telephone conversation it has not been possible to thoroughly review the factual allegations contained in the complaints nor consult counsel since key staff has been on vacation following the November 4 election.

Thank you for your assistance in this matter.

Sincerely,

*Chris Sautter*

Chris Sautter  
Campaign Manager

CS:am

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL  
NOV 28 10:24

McCloskey for Congress Committee

P.O. Box 70 • Bloomington, Indiana 47402 • (812) 333-2735 • Evansville (812) 423-1100

Paid for by McCloskey for Congress Committee

CCC#2124  
RECEIVED AT THE FEC  
**HAND DELIVERED**  
86 NOV 28 12:34

November 24, 1986

Lois G. Lerner  
Associate General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 2285  
MUR 2287

86 DEC 1 9:31

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

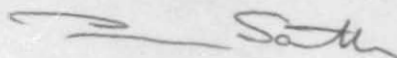
Dear Ms. Lerner:

This letter is to confirm our telephone conversation of November 24, 1986, regarding the above numbered complaints filed with the Federal Election Commission.

On behalf of the McCloskey for Congress Committee, I would like to request that the time within which to respond to the complaints be extended to December 8, 1986. As I indicated in our telephone conversation it has not been possible to thoroughly review the factual allegations contained in the complaints nor consult counsel since key staff has been on vacation following the November 4 election.

Thank you for your assistance in this matter.

Sincerely,



Chris Sautter  
Campaign Manager

CS:am

93040930411

— CONGRESSMAN —  
**McCloskey**

... ON OUR SIDE

Dear Ms. Lerner:

The letter sent previously erroneously listed December 1 rather than December 8 as the deadline date to file our response to MUR 2285 and MUR 2287. The enclosed letter contains the correct date. I apologize for any inconvenience. Thank you.

Sincerely,



Chris Sautter  
Campaign Manager

93040930412

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McCloskey for Congress Committee

P.O. Box 70 • Bloomington, Indiana 47402 • (812) 333-2735 • Evansville (812) 423-1100

Paid for by McCloskey for Congress Committee





## NATIONAL RURAL LETTER CARRIERS' ASSOCIATION: 19

Suite 100, 1448 Duke Street

Alexandria, Virginia 22314

Telephone (703) 684-5545

## Executive Committee

OLIN F. ARMENTROUT, *President*  
 DALLAS N. FIELDS, *Vice President*  
 VERNON H. MEIER, *Secretary-Treasurer*  
 STEVEN R. SMITH, *Director of Labor Relations*

ROGER W. MORELAND, *Chairman*  
 P.O. Box 678  
 Queen Creek, Arizona 85242

November 24, 1986

MARLYN B. DAHLEN  
 Route #1, Box 13  
 Mabel, Minnesota 55954

SCOTTIE B. HICKS  
 Route #1, Box 598  
 Morehead, Kentucky 40351

LEO J. ROOT  
 P.O. Box 222  
 Atkinson, New Hampshire 03811

Lawrence M. Noble  
 Deputy General Counsel  
 F. E. C.  
 Washington, D. C. 20463

Re: MUR 2285

Dear Mr. Noble:

I have received your letter of November 10, 1986, advising us that the F. E. C. had received a complaint that the NRLCA-PAC and the McCloskey for Congress Committee may have violated certain sections of "The Act".

I have checked our records and find that the 5/83 contribution of \$250, the 10/83 contribution of \$300, and the 3/84 contribution of \$250 should have been reported as contributions for the May 1984 Indiana primary election, instead of the General as reported.

I am enclosing amended F. E. C. reports for quarters ending 6/83, 12/83, and 3/84 for your consideration in correcting the errors made in the original filings.

Thank you for bringing this matter to our attention so we could correct the record to reflect our original intention.

Sincerely,

*Frank Newham*  
 Frank Newham  
 Treasurer NRLCA-PAC

FN:kpr

Enclosures

RECEIVED  
 OFFICE OF THE  
 GENERAL COUNSEL  
 DEC 2 13:32

## RECEIVED AT THE FEC

86 DEC 1 12:19

## SUMMARY

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
Toll Free 800-424-9530  
Local 202-376-3120

Frank Newham  
SIGNATURE OF TREASURER

Nov. 26, 1986  
Date

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3X)**

Name of Committee (in Full)

NRLCA Political Action Committee C00072025

Report Covering the Period:

From: Apr. 1, 1983 To: Jun 30, 1983

	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
<b>I. RECEIPTS</b>			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees . . . . .	73,940.67	114,418.18	11(a)
(Memo Entry Unitemized \$ 73,940.67 )			
(b) Political Party Committees . . . . .			11(b)
(c) Other Political Committees . . . . .			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c)) . . . . .	73,940.67	114,418.18	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES . . . . .			12
13. ALL LOANS RECEIVED . . . . .			13
14. LOAN REPAYMENTS RECEIVED . . . . .			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) . . . . .			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES . . . . .			16
AND OTHER POLITICAL COMMITTEES			
17. OTHER RECEIPTS (Dividends, Interest, etc.) Int. on CD & Ck. Accts . . . . .	4,804.93	8,797.83	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17) . . . . .	78,745.60	123,216.01	18
<b>II. DISBURSEMENTS</b>			
19. OPERATING EXPENDITURES . . . . .			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES . . . . .			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND . . . . .	31,153.95	47,053.95	21
OTHER POLITICAL COMMITTEES			
22. INDEPENDENT EXPENDITURES (use Schedule E) . . . . .			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES . . . . .			23
(2 U.S.C. § 441 a(d)) (Use Schedule F)			
24. LOAN REPAYMENTS MADE . . . . .			24
25. LOANS MADE . . . . .			25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees . . . . .		10.00	26(a)
(b) Political Party Committees . . . . .			26(b)
(c) Other Political Committees . . . . .			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c)) . . . . .		10.00	26(d)
27. OTHER DISBURSEMENTS . . . . .Lapel pins & Bank chgs..	2,408.29	4,623.26	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27) . . . . .	33,562.24	51,687.21	28
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d) . . . . .	73,940.67	114,418.18	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d) . . . . .		10.00	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29) . . . . .	73,940.67	114,408.18	31
32. TOTAL OPERATING EXPENDITURES from Line 19 . . . . .			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15 . . . . .			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32) . . . . .			34

93040930415



## SCHEDULE B

## ITEMIZED DISBURSEMENTS

separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 2 OF 8

FOR LINE NUMBER  
21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

NRLCA Political Action Committee

C00072025

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
McCloskey for Congress Committee P.O. Box 70 Bloomington, IN 47402	1984 Primary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	5/3/83	250.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

250.00

TOTAL This Period (last page this line number only)



**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

RECEIVED AT THE FEC

(Summary Page)

86 DEC 1 P12:19

<p>1. Name of Committee (In Full)</p> <p>NRLCA Political Action Committee</p> <hr/> <p>Address (Number and Street)</p> <p>1448 Duke Street</p> <hr/> <p>City, State and ZIP Code</p> <p>Alexandria, Virginia 22314</p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number</p> <p>C00072025</p> <hr/> <p>3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on <u>1/1/83</u> (Date)</p>	<p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report    <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report    <input checked="" type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election)</p> <p>election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election</p> <p>on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment?</p> <p align="center"><input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO</p>
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SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period	<u>July 1, 1983</u> through <u>Dec. 31, 1983</u>		
6. (a) Cash on hand January 1, 19 <u>83</u>			\$ 178,074.88
(b) Cash on Hand at Beginning of Reporting Period		\$ 249,603.68	
(c) Total Receipts (from Line 18)		\$ 47,544.10	\$ 170,760.11
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 297,147.78	\$ 348,834.99
7. Total Disbursements (from Line 28)		\$ 58,278.33	\$ 109,965.54
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 238,869.45	\$ 238,869.45
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ NONE	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ NONE	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Frank Newham, Sec. Treas.  
Type or Print Name of Treasurer

Frank Newham  
SIGNATURE OF TREASURER

Nov. 26, 1986  
Date

For further information contact:

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
Toll Free 800-424-9530  
Local 202-376-3120

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

	FEC FORM 3X (3/80)
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93040930417

**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3X)**

Name of Committee (in Full) NRLCA Political Action Committee C00072025		Report Covering the Period From: 7/1/83 To: 12/31/83	
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
<b>I. RECEIPTS</b>			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees . . . . . (Memo Entry Unitized \$ 37,253.26 )	37,253.26	151,671.44	11(a)
(b) Political Party Committees . . . . .			11(b)
(c) Other Political Committees . . . . .			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c)) . . . . .	37,253.26	151,671.44	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES . . . . .			12
13. ALL LOANS RECEIVED . . . . .			13
14. LOAN REPAYMENTS RECEIVED . . . . .			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) . . . . .			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES . . . . . AND OTHER POLITICAL COMMITTEES Int. on Ck. Accts			16
17. OTHER RECEIPTS (Dividends, Interest, etc.) & CD . . . . .	10,290.84	19,088.67	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17) . . . . .	47,544.10	170,760.11	18
<b>II. DISBURSEMENTS</b>			
19. OPERATING EXPENDITURES . . . . .			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES . . . . .			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND . . . . . OTHER POLITICAL COMMITTEES	46,774.95	93,828.90	21
22. INDEPENDENT EXPENDITURES (use Schedule E) . . . . .			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES . . . . . (2 U.S.C. § 441 a(d)) (Use Schedule F)			23
24. LOAN REPAYMENTS MADE . . . . .			24
25. LOANS MADE . . . . .			25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees . . . . .	20.00	30.00	26(a)
(b) Political Party Committees . . . . .			26(b)
(c) Other Political Committees . . . . .			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c)) . . . . .	20.00	30.00	26(d)
27. OTHER DISBURSEMENTS . . . . .	11,483.38	16,106.64	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27) . . . . .	58,278.33	109,965.54	28
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d) . . . . .	37,253.26	151,671.44	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d) . . . . .	20.00	30.00	30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29) . . . . .	37,233.26	151,641.44	31
32. TOTAL OPERATING EXPENDITURES from Line 19 . . . . .			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15 . . . . .			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32) . . . . .			34

93040930418

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 7 OF 13

FOR LINE NUMBER  
21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

NRLCA Political Action Committee

C00072025

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
McCloskey for Congress Committee 210 7th St. S.E. #b-15 Washington, D.C.	1984 Primary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/25/83	300.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

300.00

TOTAL This Period (last page this line number only)



**REPORT OF RECEIPTS AND DISBURSEMENTS**  
For a Political Committee Other Than an Authorized Committee

RECEIVED AT THE FEC

(Summary Page)

86 DEC 1 P12:19

<p>1. Name of Committee (In Full)  NRLCA Political Action Committee</p> <hr/> <p>Address (Number and Street)  1448 Duke Street</p> <hr/> <p>City, State and ZIP Code  Alexandria, VA 22314</p> <hr/> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <hr/> <p>2. FEC Identification Number  C00072025</p> <hr/> <p>3. <input checked="" type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on <u>1/1/84</u> (Date)</p>	<p>4. TYPE OF REPORT (Check appropriate boxes)</p> <p>(a) <input checked="" type="checkbox"/> April 15 Quarterly Report    <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report    <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non-Election Year Only)</p> <p><input type="checkbox"/> Monthly Report for _____</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment? <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO</p>
--	--

SUMMARY		COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>Jan 1, 1984</u> through <u>Mar. 31, 1984</u>			
6. (a) Cash on hand January 1, 19 <u>84</u>			\$ 238,869.45
(b) Cash on Hand at Beginning of Reporting Period		\$ 238,869.45	
(c) Total Receipts (from Line 18)		\$ 32,790.01	\$ 32,790.01
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)		\$ 271,659.46	\$ 271,659.46
7. Total Disbursements (from Line 28)		\$ 36,575.59	\$ 36,575.59
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))		\$ 235,083.87	\$ 235,083.87
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		\$ none	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)		\$ none	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Frank Newham, Sec. Treas.  
Type or Print Name of Treasurer

Frank Newham  
SIGNATURE OF TREASURER

Nov. 26, 1986  
Date

For further information contact:

Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463  
Toll Free 800-424-9530  
Local 202-376-3120

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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FEC FORM 3X (3/80)

93040930420



**DETAILED SUMMARY PAGE  
of Receipts and Disbursements  
(Page 2, FEC FORM 3X)**

Name of Committee (in Full)		Report Covering the Period:	
NRLCA Political Action Committee C00072025		From: Jan. 1, 1984	To: Mar. 31, 1984
		COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
<b>I. RECEIPTS</b>			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees . . . . .	27,484.29	27,484.29	11(a)
(Memo Entry Unitemized \$ 27,484.29 )			
(b) Political Party Committees . . . . .			11(b)
(c) Other Political Committees . . . . .			11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c)) . . . . .	27,484.29	27,484.29	11(d)
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES . . . . .			12
13. ALL LOANS RECEIVED . . . . .			13
14. LOAN REPAYMENTS RECEIVED . . . . .			14
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) . . . . .			15
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES . . . . .			16
AND OTHER POLITICAL COMMITTEES			
17. OTHER RECEIPTS (Dividends, Interest, etc.) . . Interest . . . . .	5,305.72	5,305.72	17
18. TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17) . . . . .	32,790.01	32,790.01	18
<b>II. DISBURSEMENTS</b>			
19. OPERATING EXPENDITURES . . . . .			19
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES . . . . .			20
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND . . . . .	18,400.00	18,400.00	21
OTHER POLITICAL COMMITTEES			
22. INDEPENDENT EXPENDITURES (use Schedule E) . . . . .			22
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES . . . . .			23
(2 U.S.C. § 441 a(d)) (Use Schedule F)			
24. LOAN REPAYMENTS MADE . . . . .			24
25. LOANS MADE . . . . .			25
26. REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees . . . . .			26(a)
(b) Political Party Committees . . . . .			26(b)
(c) Other Political Committees . . . . .			26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c)) . . . . .			26(d)
27. OTHER DISBURSEMENTS . . . . .	18,175.59	18,175.59	27
28. TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27) . . . . .	36,575.59	36,575.59	28
<b>III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES</b>			
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11(d) . . . . .	27,484.29	27,484.29	29
30. TOTAL CONTRIBUTION REFUNDS from Line 26(d) . . . . .			30
31. NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29) . . . . .	27,484.29	27,484.29	31
32. TOTAL OPERATING EXPENDITURES from Line 19 . . . . .			32
33. OFFSETS TO OPERATING EXPENDITURES from Line 15 . . . . .			33
34. NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32) . . . . .			34

93040930421

## SCHEDULE B

## ITEMIZED DISBURSEMENTS

1 separate schedule(s)  
for each category of the  
Detailed Summary Page

PAGE 4 OF 5  
FOR LINE NUMBER 21

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (in Full)

NRLCA Political Action Committee

C00072025

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
McCloskey for Congress Committee 165 D Street S.E. Washington, D.C. 20003	1984 Primary Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3/22/84	250.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

250.00

TOTAL This Period (last page this line number only)

— CONGRESSMAN —  
**McCloskey**

... ON OUR SIDE

December 11, 1986

Charles N. Steele, General Counsel  
Federal Election Commission  
1325 K Street NW  
Washington, D.C. 20463  
Re: MUR 2285

RECEIVED  
GENERAL COUNSEL  
DEC 15 1986  
P 3:20

Dear Mr. Steele:

This letter is in response to the above numbered complaint filed with the Federal Election Commission ("FEC") by Bernard Black Shaffer, by and through counsel, the Center on National Labor Policy. The complainant alleges that the McCloskey for Congress Committee ("Committee") received excessive or unreported contributions for the 1984 primary and general elections from the National Rural Letter Carriers' Association Political Action Committee ("NRLCA") and from the American Federation of State and County and Municipal Employees Political Action Committee ("AFSCME") in violation of 2 USC(441a(f) and 2 USC(441a(a)(2)(A).

This complaint should be dismissed since the reported contributions as amended by both AFSCME and NRLCA do not exceed the limitations established under the Federal Election Campaign Act ("Act") and because any errors contained in previous reports were inadvertent and clerical in nature.

The allegations regarding AFSCME contributions are essentially based upon a mistaken contribution report dated 5/20/83 indicating a \$500 contribution. As shown by the attached copy of the AFSCME check, this should have been reported as a \$250 contribution. Amended reports reflecting the correct contribution have been filed by the Committee this week. (See attached). The allegations regarding NRLCA are based upon reports mistakenly attributing pre-primary contributions to the general election rather than the primary election as intended. Amended reports reflecting the correct election attribution have been filed this week. (See attached).

The Committee Did Not Receive Excessive Contributions From AFSCME

Committee records as confirmed by AFSCME indicate the McCloskey for Congress Committee received the following contributions from AFSCME for the 1984 election period:

McCloskey for Congress Committee

P.O. Box 70 • Bloomington, Indiana 47402 • (812) 333-2735 • Evansville (812) 423-1100

Paid for by McCloskey for Congress Committee

93040930423



1. 05/20/83. The Committee received \$250 for the 1984 primary election. This contribution was erroneously reported as \$500. (Copy of amendment and check is attached). The check is actually dated 6/6/83. However, the contribution has consistently been reported as received on 5/20/83. No other AFSCME contribution was received during this year. This contribution was reported on the 1983 July Mid-Year report, page 4 of 6, line 11c, entry F.

2. 04/09/84. The Committee received \$4750 designated for the 1984 primary election. This contribution was reported on the 12 day report proceeding the 1984 primary, page 1 of 4, line 11c, entry G.

3. 11/25/84. The Committee received \$2900.84 Inkind (Phone Bank) designated for the general election. This contribution was reported on the April 15 Quarterly Report 1985, page 1 of 9, line 11c, entry F.

4. 02/01/85. The \$1362.81 Inkind (Phone Bank) designated for the general election. This contribution was reported on December 2, 1986. As indicated on the attached letter, this contribution was only recently brought to the attention of the Committee. The Committee has no record of having received notification of the Inkind contribution on February 2, 1985, the date of AFSCME's letter of notification.

The complaint correctly states the contributions as originally reported. However, the first contribution reported as \$500 was in error and subsequent amendments now show the correct amount as \$250. FEC Reports as amended now demonstrate that contributions from AFSCME were not excessive. Primary election contributions from AFSCME of \$250 and \$4750 total \$5000 and general election contributions of \$2900.84 and \$1362.81 total \$4263.65, both within the contribution limit under the ACT. Therefore, the Committee did not receive excessive contributions from AFSCME for the 1984 election period.

#### The Committee Did Not Receive Excessive Contributions From NRLCA

Committee records as confirmed by the NRLCA indicate the McCloskey for Congress Committee received the following contributions from NRLCA for the 1984 election period:

1. 05/20/83. The Committee received a \$250 contribution intended for designation for the 1984 primary. However, it was originally reported as being designated for the 1984 general election. NRLCA and the Committee have both filed amendments correcting the error. The complaint erroneously lists the first contribution as 5/16/83 in the amount of \$500. A review of the report, page 2 of 6, entry B, indicates receipt of \$500 on 5/16/83 from the National Letter Carriers, a separate Political Action Committee.

93040930424



2. 12/12/83. The Committee received a \$300 contribution designated for the 1984 primary. NRLCA originally reported the contribution as being designated for the 1984 general election, but has recently filed an amendment in which the contribution is attributed to the 1984 primary election. This contribution was reported on the Committee's 1983 Year End Report, page 2 of 3, line 11c, entry F. The complaint erroneously alleges that this contribution was not reported.

3. 03/22/84. The Committee received a \$250 contribution designated for the 1984 primary election. NRLCA originally reported the contribution as being designated for the 1984 general election, but has recently filed an amendment in which the contribution is attributed to the 1984 primary election. This contribution was reported on the 1984 April 15 Quarterly report, page 4 of 7, line 11c, entry b.

4. 09/09/84. The Committee received a \$2000 contribution for the 1984 general election. This contribution was reported on the 1984 October 15 Quarterly report, page 3 of 13, line 11c, entry d.

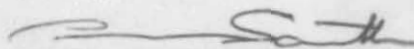
5. 10/23/84. The Committee received a \$2000 contribution designated for the 1984 general election. This contribution is reported on the 1984 thirty day post-general election report, page 6 of 9, line 11c, entry a.

6. 11/15/84. The Committee received a \$1000 contribution designated for the 1984 general election. This contribution is reported on the 1984 thirty day post-general election report, page 6 of 9, line 11c, entry a.

The complaint alleges excessive contributions from NRLCA based upon contributions in 1983 and early 1984 (prior to the May Indiana primary) which were intended to be designated by NRLCA as primary election contributions. Since the reports have since been amended to reflect this intention, the reporting mistake was not willful, and all contributions at issue were received prior to the primary, the Commission should dismiss the complaint.

#### Conclusion

For the foregoing reasons, the above cited complaint should be dismissed.



Chris Sautter, Esq.  
Campaign Manager  
McCloskey for Congress Committee

93040930425

McCloskey for Congress Committee  
P.O. Box 70  
Bloomington, IN 47402  
FEC # 100188

9 December 1986

Clerk of the House  
1036 Longworth H.O.B.  
Washington, D.C. 20515

Attached please find a copy of the Cover Page and two pages of Schedule A from the Mid-Year Report, 1983, reporting the following amendments:

Entry F:  
AFSCME-P.A.F.  
Washington, D.C. 05/20/83 \$250.00 Primary

This was originally reported by our committee in the amount of \$500.00. \$250.00 was the correct amount, as verified by AFSCME-P.A.F.

Entry D:  
National Rural Letter Carriers  
1750 Pennsylvania Avenue NW  
Washington, D.C. 20006 05/20/83 \$250.00 Primary

This was originally reported by our committee as being attributed to the General. The contribution was intended for the Primary, as verified by NRLCA-PAC.

Thank you for making these amendments a matter of public record.

Sincerely,

*Betty Merriman*  
Betty Merriman  
Treasurer

BM:mkp

93040930426

REPORTS OF RECEIPTS AND DISBURSEMENTS  
For Authorized Committee

(Summary Page)

ALIN ARLA

ALIN A

1. Name of Committee (in Full)

McCloskey for Congress

2. FEC Identification Number

100188

Address (Number and Street)

P.O. Box 70

3. Is this Report an Amendment?

☐ YES ☒ NO

City, State and Zip Code

Bloomington, IN 47402

☐ Check if address is different than previously reported.

4.

TYPE OF REPORT

☐ April 15 Quarterly Report

☐ Twelfth day report preceding \_\_\_\_\_ (Type of Election)

☐ July 15 Quarterly Report

election on \_\_\_\_\_ in the State of \_\_\_\_\_

☐ October 15 Quarterly Report

☐ Thirtieth day report following the General Election on

☐ January 31 Year End Report

\_\_\_\_\_ in the State of \_\_\_\_\_

☒ July 31 Mid Year Report (Non-election Year Only)

☐ Termination Report

This report contains activity for -

☐ Primary Election

☒ General Election

☐ Special Election

☐ Runoff Election

SUMMARY

5. Covering Period January 1 through June 30, 1983

6. Net Contributions (other than loans)

(a) Total Contributions (other than loans) (From Line 11 (c))

24,860.00

24,860.00

(b) Total Contribution Refunds (From Line 20 (d))

0.00

0.00

(c) Net Contributions (other than loans) (Subtract Line 6 (b) from 6 (a))

24,860.00

24,860.00

7. Net Operating Expenditures

(a) Total Operating Expenditures (From Line 17)

16,830.19

16,830.19

(b) Total Offsets to Operating Expenditures (From Line 14)

877.20

877.20

(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))

15,952.99

15,952.99

8. Cash on Hand at Close of Reporting Period (From Line 27)

9,184.89

9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)

0.00

10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)

29,870.00

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

For further information, contact  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202 533-4068

Karyn S. Falkenstein

Type or Print Name of Treasurer

SIGNATURE OF TREASURER

Karyn S. Falkenstein

7/29/83

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. 4374

All previous versions of FEC FORM 3 and FEC FORM 3e are obsolete and should no longer be used

FEC FORM 3 (3/81)

93040930427



Information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

McCloskey for Congress

100188

Full Name, Mailing Address and ZIP Code WMI PAC 3003 Butlerfield Road Oak Brook, IL 60521	Name of Employer Robert A. Paul	Date (month, day, year) 1/5/83	Amount of Each Receipt This Period 250.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 250.00	
Full Name, Mailing Address and ZIP Code Bessemer RR & Affiliate Employees Election Fund 600 Grant Street Box 536 Pittsburg, PA 15230	Name of Employer Vernon W. Kraetsch	Date (month, day, year) 1/16/83	Amount of Each Receipt This Period 200.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$ 200.00	
Full Name, Mailing Address and ZIP Code Indiana ACRE 720 North High School Road Indianapolis, IN 46224	Name of Employer	Date (month, day, year) 2/18/83	Amount of Each Receipt This Period 500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
Full Name, Mailing Address and ZIP Code ACRE 107 Massachusetts Ave., NW Washington, D.C. 20036	Name of Employer	Date (month, day, year) 2/18/83	Amount of Each Receipt This Period 500.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
Full Name, Mailing Address and ZIP Code General Dynamics Volunteer Political Continuation Fund Pierre La Clede Center St. Louis, MO 63105	Name of Employer	Date (month, day, year) 5/14/83	Amount of Each Receipt This Period 250.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	
Full Name, Mailing Address and ZIP Code FSCME-P.A.F. Washington, D.C.	Name of Employer William Lucy	Date (month, day, year) 5/20/83	Amount of Each Receipt This Period 250.00
Receipt For: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation Treasurer	Aggregate Year-to-Date-\$	
Full Name, Mailing Address and ZIP Code National Clothing, Textile Workers Union, PAC New York, New York	Name of Employer Elizabeth Smith	Date (month, day, year) 5/20/83	Amount of Each Receipt This Period 250.00
Receipt For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	Aggregate Year-to-Date-\$	

TOTAL of Receipts This Page (optional)..... 3600.



## SCHEDULE A

## ITEMIZED RECEIPTS

LINE NUMBER  
(Use separate schedules for each category of the Detailed Summary Page)

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

McCloskey For Congress

A. Full Name, Mailing Address and ZIP Code

International Ladies Garment  
Workers Union Campaign Committee  
Washington, D.C.

Name of Employer

Evelyn DuBrow

Date (month,  
day, year)

5/20/83

Amount of Each  
Receipt this Period

250.00

Occupation

Receipt For: ☐ Primary ☒ General

☐ Other (specify):

Aggregate Year-to-Date-\$ 250.00

B. Full Name, Mailing Address and ZIP Code

National Association of Letter  
Carriers PAC  
100 Indiana Ave. NW  
Washington, D.C. 20001

Name of Employer

Richard P. O'Connell

Date (month,  
day, year)

5/16/83

Amount of Each  
Receipt This Period

500.00

Occupation

Receipt For: ☐ Primary ☒ General

☐ Other (specify):

Aggregate Year-to-Date-\$ 500.00

C. Full Name, Mailing Address and ZIP Code

National Education Association  
PAC  
1201 16th St. NW  
Washington, D.C. 20036

Name of Employer

Terry Herndon

Date (month,  
day, year)

5/20/83

Amount of Each  
Receipt This Period

500.00

Occupation

Receipt For: ☒ Primary ☐ General

☐ Other (specify):

Aggregate Year-to-Date-\$

D. Full Name, Mailing Address and ZIP Code

National Rural Letter Carriers  
PAC  
1750 Pennsylvania Ave. NW  
Washington, D.C. 20006

Name of Employer

Date (month,  
day, year)

5/20/83

Amount of Each  
Receipt This Period

250.00

Occupation

Receipt For: ☒ Primary ☐ General

☐ Other (specify):

Aggregate Year-to-Date-\$ 250.00

E. Full Name, Mailing Address and ZIP Code

Rockwell International Corp.  
Good Government Comm.  
PC33 600 Grant St.  
Pittsburgh, PA 15210

Name of Employer

M.L. Haddox

Date (month,  
day, year)

5/20/83

Amount of Each  
Receipt This Period

250.00

Occupation

Receipt For: ☐ Primary ☒ General

☐ Other (specify):

Aggregate Year-to-Date-\$ 250.00

F. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)

Amount of Each  
Receipt This Period

Occupation

Receipt For: ☐ Primary ☐ General

☐ Other (specify):

Aggregate Year-to-Date-\$

G. Full Name, Mailing Address and ZIP Code

Name of Employer

Date (month,  
day, year)

Amount of Each  
Receipt This Period

Occupation

Receipt For: ☐ Primary ☐ General

☐ Other (specify):

Aggregate Year-to-Date-\$

EL TOTAL of Receipts This Page (optional) .....

1750.00

TOTAL This Period (last page this line number only) .....



AMERICAN FEDERATION OF STATE, COUNTY AND  
MUNICIPAL EMPLOYEES-AFL-CIO  
1625 L STREET, N.W., WASHINGTON, D.C. 20036  
PUBLIC EMPLOYEES ORGANIZED TO PROMOTE  
LEGISLATIVE EQUALITY  
QUALIFIED CONTRIBUTIONS COMMITTEE

1610

6-6 10 83

15-723

PAY  
TO THE  
ORDER OF

McCloskey for Congress

SDRTER 3

000070214

\$ 250.00\*

Two Hundred Fifty and 00/100-----

DOLLARS



THE NATIONAL BANK  
OF WASHINGTON  
REVENUE AND L. OFFICE  
WASHINGTON, D.C. 20004

FOR

#001610# @:0540000721: 1264 95 B#

#0000025000#

93003004030

McCloskey for Congress Committee  
P.O. Box 70  
Bloomington, IN 47402

2 December 1986

Clerk of the House  
1036 Longworth H.O.B.  
Washington, D.C. 20515

Attached please find a Schedule A, which is reporting a contribution for the 1984 General Election not previously reported.

As per my conversation with Linda Tangney, Reports Analyst, this contribution is being submitted separately.

This contribution was recently brought to our attention by AFSOME, when our committee was verifying past contributions with their Political Action Committee. Our committee has no record of having received notification of the Inkind contribution on February 2, 1985, the date of their letter of notification.

This is within their contribution limitations for the 1984 General Election.

There was no willful intent to omit this contribution from the 1984 General Election reporting period, we simply did not have the information.

Thank you for making this a matter of public record.

Sincerely,

Betty Merriman  
Treasurer

93040930431

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
 Francis McCloskey; McCloskey )  
 for Congress; Betty Merriman, )  
 as treasurer; National Rural )  
 Letter Carriers Association ) MUR 2285  
 Political Action Committee; Frank )  
 Newham, as treasurer; )  
 American Federation of State, )  
 County, and Municipal Employees- )  
 P.E.O.P.L.E., Qualified; William )  
 Lucy, as treasurer )

97 JAN 28 4:18

REC'D  
 COMM. SECRETARY

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 31, 1986, Bernard Black-Schaffer, through counsel for the Center on National Labor Policy, filed a complaint against: Francis McCloskey; McCloskey for Congress ("Committee") and Betty Merriman, individually and as treasurer; the National Rural Letter Carriers Association Political Action Committee ("NRLCPAC") and Frank Newham, individually and as treasurer; and, the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified ("AFSCME") and William Lucy, individually and as treasurer (Attachment 1). An Expedited First General Counsel's Report was circulated to the Commission in this matter on November 4, 1986. Notification of the complaint was mailed to the respondents on November 10, 1986.

The complainant alleges that Francis McCloskey, the Committee, and its treasurer violated 2 U.S.C. § 441a(f) by accepting excessive contributions from NRLCPAC and AFSCME in connection with the 1984 general election, and that NRLCPAC and AFSCME and their respective treasurers violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Committee. The complaint also alleges reporting errors by the

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respondents and asserts that liability may be imposed on the treasurers personally and in their capacity as treasurers, pursuant to 11 C.F.R. § 104.14(d).

On November 26, 1986, AFSCME submitted its response to the complaint (Attachment 2). On December 1, 1986, NRLCPAC responded to the complaint (Attachment 3). The Committee responded to the complaint on December 15, 1986 (Attachment 4).

## II. FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441a(a)(2)(A), no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for federal office which, in the aggregate, exceed \$5,000.

As set forth at 2 U.S.C. § 441a(f) no candidate or political committee shall knowingly accept any contribution in violation of the provisions of 2 U.S.C. § 441a.

Each treasurer of a political committee, and any other person required to file any report or statement under the Commission's regulations and under the Act, shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained in it. 11 C.F.R. § 104.14(d).

Pursuant to 2 U.S.C. § 434(b)(3)(B), each report required to be filed by a political committee shall disclose the identification of each political committee which makes a contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution.

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A. Contributions from NRLCPAC

The complainant states that the Committee accepted the following excessive contributions from NRLCPAC for the 1984 general election:

<u>Date</u>	<u>Amount</u>	<u>Election Designation Reported by Committee</u>
5-20-83 <sup>1/</sup>	\$ 250	General
10-25-83	\$ 300	Contribution not reported according to complainant
3-22-84	\$ 250	Primary
9-9-84	\$2,000	General
10-23-84	\$2,000	General
11-15-84	\$1,000	General
Total: \$5,800		

See footnote 1.

In turn, the complainant alleges that NRLCPAC's reports indicate that it made the following excessive general election contributions to the Committee:

<u>Date</u>	<u>Amount</u>	<u>Election Designation Reported by NRLCPAC</u>
5-3-83	\$ 250	General
10-25-83	\$ 300	General
3-22-84	\$ 250	General
8-16-84	\$2,000	General
10-16-84	\$2,000	General
11-1-84	\$1,000	General
Total: \$5,800		

Based upon the above information reported by the Committee and NRLCPAC, the complainant also asserts that the Committee failed to "accurately report" NRLCPAC's March 22, 1984

<sup>1/</sup> The complainant incorrectly alleged that a total of \$6,050 was reported as accepted by the Committee. The complainant apparently confused NRLCPAC's contribution with that of the National Association of Letter Carriers, as reported on the Committee's 1983 Mid-Year Report. Thus, the correct amount reported by the Committee as accepted from NRLCPAC in May 1983 is \$250, not \$500.

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contribution (\$250) as a general election contribution in conformance with NRLCPAC's designation, and failed to report NRLCPAC's October 25, 1983, contribution (\$300), in violation of 11 C.F.R. § 104.14(d).

In response to the complainant's allegations, NRLCPAC states that after checking its records it has determined that its initial three contributions to the Committee, on May 3, 1983, October 25, 1983, and March 22, 1984, should have been reported as contributions for the May 1984 primary election instead of the general election. Included with the response were amendments to reports reflecting the above information.

The Committee's response asserts that the complaint should be dismissed because the contributions at issue are not excessive, and "because any errors contained in previous reports were inadvertent and clerical in nature." As to NRLCPAC's contributions, the response contends that the allegations "are based upon reports mistakenly attributing pre-primary contributions to the general election rather than the primary election as intended." Specifically, the response states that on May 20, 1983, it "received \$250 for the primary election," but incorrectly reported such as a general election contribution, and has submitted an amendment reflecting this designation. As to the \$300 contribution which the complainant alleged the Committee failed to report, the Committee's response denies the allegation and asserts that it reported the contribution for the primary

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election on its 1983 Year-End Report.<sup>2/</sup> As to the final primary election contribution (March 22, 1984), the Committee notes that it received this \$250 for the 1984 primary election and correctly reported it as such.

Concerning the remaining contributions at issue, the Committee's response states that it received \$2,000 (September 9, 1984), \$2,000 (October 23, 1984), and \$1,000 (November 15, 1984) from NRLCPAC for the 1984 general election, and correctly reported the contributions as for the general election.

From the information in hand it does not appear that the contribution limitations were exceeded. Although the reports filed by NRLCPAC suggested the existence of excessive general election contributions, NRLCPAC's response asserts that such an impression arose because it incorrectly reported three primary election contributions (May 3, 1983, October 25, 1983, and March 22, 1984) as general election contributions. That such contributions were for the 1984 primary election is supported by the fact that all three contributions occurred prior to the May 8, 1984, primary election and, therefore, they are properly attributable to the primary election (see 11 C.F.R. § 110.1(a)(2)).<sup>3/</sup> Moreover, the Committee initially reported two of the three contributions as for the primary election.

<sup>2/</sup> The Committee's 1983 Year-End Report discloses the receipt of \$300 from NRLCPAC on December 12, 1983, for the primary election.

<sup>3/</sup> There is no indication that such contributions were designated in writing by NRLCPAC for the 1984 general election.

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It also appears that there is no basis for the complainant's allegation that the Committee failed to "accurately report" NRLCPAC's March 22, 1984, contribution as a general election contribution. NRLCPAC's assertion that its March 22, 1984, contribution was in fact for the 1984 primary election supports the Committee's statement that it correctly reported the contribution as for the primary election. Furthermore, based upon the reports on file and the Committee's response, the allegation that the Committee failed to report the receipt of NRLCPAC's October 25, 1983, contribution (\$300) is without merit as well. See footnote 2.

It does appear, however, that certain limited reporting errors did occur by the Committee and NRLCPAC. The Committee has acknowledged that it incorrectly reported that the \$250 it accepted from NRLCPAC on May 20, 1983, was for the general election when in fact it was for the primary. In addition, NRLCPAC has admitted that it incorrectly reported three primary election contributions (May 3, 1983, October 25, 1983, and March 22, 1984) as general election contributions.

Based upon the foregoing, it is the recommendation of this Office that the Commission find no reason to believe the Committee and Betty Merriman, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from NRLCPAC, and § 434(b)(3) by failing to report the receipt of a \$300 contribution. In addition, it is recommended that the Commission find no reason to believe NRLCPAC and Frank Newham, as treasurer,

violated 2 U.S.C. § 441a(a)(2)(A). It is the further recommendation of this Office that the Commission find reason to believe the Committee and Betty Merriman, as treasurer, and NRLCPAC and Frank Newham, as treasurer, violated 11 C.F.R. § 104.14(d) by failing to accurately report the election designation of certain contributions, and take no further action.<sup>4/</sup> This Office believes it is appropriate to take no further action regarding this issue because of the limited nature of the omissions, and because the respondents have amended their reports to correct the earlier errors.

B. Contributions from AFSCME

The complaint alleges that the Committee accepted the following excessive contributions from AFSCME for the 1984 general election:

<u>Date</u>	<u>Amount</u>	<u>Election Designation Reported by Committee</u>
5-20-83	\$ 500	Primary
4-9-84	\$4,750	Primary
11-25-84	\$2,900.84	General
Total:	\$8,150.84	

In turn, the complainant alleges that AFSCME's reports indicate that it made the following excessive general election

<sup>4/</sup> This Office notes that despite the complainant's allegation the Committee appears to have reported a correct election designation for the March 22, 1984, contribution. Thus, the recommendation with respect to the Committee pertains to the \$250 it accepted on May 20, 1983.

The complainant alleges that personal liability should be imposed upon the treasurers pursuant to 11 C.F.R. § 104.14(d). In other similar matters, the Commission's findings of possible violations of 11 C.F.R. § 104.14(d) have been made against the treasurer in his or her official capacity. See MURs 2110, 2122, and 2134.

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contributions to the Committee:

<u>Date</u>	<u>Amount</u>	<u>Election Designation Reported by AFSCME</u>
4-22-83	\$4,314.92	General
10-18-84 through 11-5-84	\$2,900.84 <sup>5/</sup>	General
Total:	\$7,215.76	

Based upon the above information reported by the Committee and AFSCME, the complainant asserts that the Committee failed to "accurately" and "promptly report" AFSCME's April 22, 1983 (\$4,314.92) general election contribution, in violation of 11 C.F.R. § 104.14(d), and instead, "[o]n May 20, 1983, it reported only \$500.00 of the contribution and designated it for the primary election." The complainant further contends that the Committee "knowingly misreported" AFSCME's \$4,750 contribution by reporting it as a primary election contribution instead of a general election contribution, in violation of 11 C.F.R. § 104.14(d).

In response to the complaint's allegations, AFSCME denies that it made excessive contributions to the Committee. AFSCME explains that its \$4,314.92 in-kind contribution on April 22, 1983, was made with respect to the 1982 general election and not the 1984 general election.<sup>6/</sup> AFSCME states that a "clerical

<sup>5/</sup> The complainant incorrectly alleged that \$3,335.92 was reported as contributed by AFSCME. The report filed by AFSCME discloses that \$2,900.84 was contributed by AFSCME from October 18, 1984, through November 5, 1984, for an aggregate year-to-date figure of \$7,650.84. (The instant \$2,900.84 plus \$4,750 contributed on March 20, 1984, equals the year-to-date total.) The response submitted by AFSCME, see below, supports this Office's conclusion.

<sup>6/</sup> A copy of a letter dated June 9, 1983, from AFSCME to the Committee was provided. The letter informed the Committee that a \$4,314.92 in-kind contribution had been made for the 1982 general election. See footnote 9.

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error" was made when the report checked the "general" election box rather than the "other" box with the notation that it was a 1982 general election contribution. As to the \$2,900.84 in-kind general election contribution made during October and November 1984, AFSCME's response asserts that it correctly reported the contribution.<sup>7/</sup>

This Office's review of the reports filed by the respondents indicates that the complainant selectively presented only certain contributions made and accepted, thereby causing confusion as to what was reported. AFSCME's response explains that the following is a complete account of all its contributions to the Committee in connection with the 1982 general, 1984 primary, and 1984 general election:

<u>Election</u>	<u>Date</u>	<u>Amount</u>
1982 general	12-28-82	\$500 (in-kind)
1982 general	4-22-83	\$4,314.92 (in-kind)
1984 primary	6-6-83	\$250
1984 primary	3-20-84	\$4,750
1984 general	10-18-84 to 11-5-84	\$2,900.84 (in-kind)
1984 general <sup>8/</sup>	1-22-85 to 1-23-85	\$1,362.81 (in-kind)

<sup>7/</sup> The response included a copy of a letter dated November 21, 1984, from AFSCME to the Committee stating that an in-kind contribution of \$2,900.84 had been made for the 1984 general election.

<sup>8/</sup> AFSCME's response noted that this in-kind contribution comprises three disbursements (\$600.72, \$715.04, and \$47.05). For two of the three disbursements the "general" box was checked on the report, but no box was checked for the remaining disbursement (\$47.05). A copy of a letter to the Committee from AFSCME dated February 1, 1985, stated that an in-kind contribution of \$1,362.81, had been made "toward the 1984 general election." This contribution was made prior to the 1984 general election through the use of phone banks, according to AFSCME's response.

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Concerning its \$4,750 contribution on March 20, 1984, and its \$250 contribution on June 6, 1983, AFSCME asserts that it correctly reported these as 1984 primary election contributions. As to its \$500 contribution of December 28, 1982, for the 1982 general election, AFSCME acknowledges that it failed to include an election designation on its report.<sup>9/</sup>

In response to the complaint's allegations regarding the contributions from AFSCME, the Committee states that during 1983 it received \$250 for the 1984 primary election but erroneously reported the amount as \$500. The Committee provided a copy of the contribution check itself and noted that although the check is dated June 6, 1983, "the contribution has consistently been reported as received on 5/20/83."<sup>10/</sup> As to the \$4,750 contribution received on April 9, 1984, the Committee asserts that it correctly reported the contribution as a primary election contribution, as did AFSCME. Concerning the \$2,900.84 contribution reported as received on November 25, 1984, the Committee again notes that it reported this contribution as a 1984 general election contribution, as did AFSCME. Referring to a \$1,362.81 in-kind contribution for the 1984 general election, the Committee asserts that although it "has no record of having

<sup>9/</sup> The response asserts that this contribution was "actually made during the period immediately before the 1982 general election through the use of phone banks to communicate with the general public on behalf of the McCloskey campaign," and that "[t]he expenditures were not made and reported until the dates indicated because the value of the in-kind contribution could not be determined until telephone bills had been received and analyzed."

<sup>10/</sup> This Office notes that AFSCME provided a copy of the letter which transmitted the \$250 contribution to the Committee, and the letter is dated June 21, 1983.

received notification of the Inkind contribution on February 2, 1985, the date of AFSCME's letter of notification," it reported such on December 2, 1986. The Committee's response concludes by noting that 1984 primary election contributions from AFSCME totalled \$5,000 and that 1984 general election contributions totalled \$4,263.65, both within the contribution limitations of the Act.

From the information available it does not appear that the contribution limitations were exceeded for the 1984 general election. The responses received indicate that AFSCME's April 22, 1983, in-kind contribution (\$4,314.92) is not attributable to the 1984 general election as alleged by the complainant, but rather to the 1982 general election (see footnote 6). Moreover, there appears to be no credence to the allegation that the \$4,750 contribution received by the Committee on April 9, 1984, is attributable to the 1984 general election. This Office notes that the contribution was made prior to the primary election, and that the Committee's initial designation as a primary contribution is consistent with AFSCME's initial designation. These circumstances, combined with the Committee's and AFSCME's assertions that they correctly reported the contributions, demonstrate that the allegation is meritless.

Thus, based upon the responses submitted and the affidavit of AFSCME's director it appears that AFSCME contributed \$4,814.92 for the 1982 general election, \$5,000 for the 1984

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primary election, and \$4,263.65 for the 1984 general election. Such contributions are within the limitations of the Act. It is, therefore, the recommendation of this Office that the Commission find no reason to believe AFSCME and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A), and no reason to believe the Committee and Betty Merriman, as treasurer, violated 2 U.S.C. § 441a(f).

As to alleged reporting errors, it appears that there is no merit to the allegation that the Committee misreported AFSCME's \$4,750 contribution as a primary election contribution (see discussion on page 11 above), or to the allegation that the Committee reported only a portion of AFSCME's \$4,314.92 contribution (April 22, 1983) by disclosing the receipt of \$500 for the primary election on May 20, 1983. The responses received substantiate the fact that AFSCME's April 22, 1983, contribution and the contribution reported by the Committee on May 20, 1983, are in fact two separate contributions. Review of the Committee's reports has indicated, however, that the Committee failed to report the receipt of AFSCME's April 22, 1983, in-kind contribution (\$4,314.92) for the 1982 general election, which it was notified of in a letter from AFSCME dated June 9, 1983 (see footnote 6).

In addition, the Committee has acknowledged that the amount (\$500) reported as received on May 20, 1983, is incorrect and should have been reported as \$250. It also appears that the Committee reported the incorrect date of the contribution. See

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footnote 10. Moreover, while contending that it was not aware of the contribution, the Committee has admitted that it did not report AFSCME's January 1985 in-kind contribution until December 1986. In consideration of the foregoing, it is the recommendation of this Office that the Commission find reason to believe the Committee and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) by: reporting an incorrect amount and date for AFSCME's June 6, 1983, contribution; reporting the January 1985 in-kind contribution untimely; and, failing to report the April 22, 1983, in-kind contribution.

After the 1982 general election had occurred, AFSCME reported an in-kind contribution to the Committee for the 1982 general election (April 22, 1983) by checking the "general" election box on its reports, and after the 1984 general election occurred reported the January 22, 1985 (\$600.72) and January 23, 1985 (\$715.04) contributions for the 1984 general election through the "general" box on its report. The instructions on Schedule B of the reporting forms for a political committee other than an authorized committee state: "For each contribution to a Federal candidate or authorized committee indicate in the election check-off box the election for which the contribution was made. In the event the contribution was made for an election prior to the current election cycle, the "Other" block must be checked and the type of election specified (e.g. "General 1976," "Primary 1978")." The term "election cycle" is defined at 11 C.F.R. § 100.3(b) as beginning on the first day following the

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date of the previous general election for the office or seat which the candidate seeks, and shall end on the date on which the general election for the office or seat that the individual seeks is held.

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Insofar as the general election had occurred, it seems that AFSCME should have checked the "other" box on its reports and specified the type of election for which its two January 1985 contributions were intended.<sup>11/</sup> By its own admission, AFSCME also failed to report an election designation for its December 28, 1982, in-kind contribution (\$500), as well as its January 22, 1985, in-kind contribution (\$47.05). Such information is required to be contained on the Commission's reporting forms. It is, therefore, the recommendation of this Office that the Commission find reason to believe AFSCME and William Lucy, as treasurer, violated 11 C.F.R. § 104.14(d) and take no further action. The recommendation to take no further action reflects the limited nature of the omissions and the fact that AFSCME has amended its reports to disclose the correct election designations.

<sup>11/</sup> Although the Committee checked the general election box on its report when reporting a \$2,900.84 in-kind contribution from AFSCME on November 24, 1984, after the 1984 general election occurred, the checking of this box seems reasonable in light of the ambiguous instructions for Schedule A on the reporting forms used by authorized committees, and the proximity of the receipt of the contribution to the 1984 general election. The instructions do not use the term "current election cycle," but instead state: "In the event the receipt was given for an election other than the current primary or general election, the 'Other' block must be checked (i.e., 'General 1976,' 'Primary 1978')." Thus, no recommendation is being put forth with respect to this contribution.

The complainant alleged that the candidate, Francis McCloskey, violated the Act in connection with the allegations discussed in this report. Insofar as there is no evidence of any wrongdoing by the candidate personally, it is the recommendation of this Office that the Commission find no reason to believe Francis McCloskey violated 2 U.S.C. § 441a(f) and § 434(b).

### III. RECOMMENDATIONS

1. Find no reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 441a(f).
2. Find no reason to believe the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find no reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with alleged failure to report a contribution from the National Rural Letter Carriers Association Political Action Committee.
4. Find reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with a contribution from the National Rural Letter Carriers Association Political Action Committee, and take no further action.
5. Find reason to believe the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 11 C.F.R. § 104.14(d), and take no further action.
6. Find no reason to believe the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
7. Find reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with contributions from the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified.

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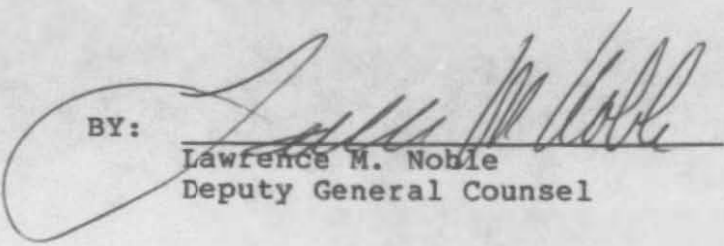
8. Find reason to believe the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E, Qualified and William Lucy, as treasurer, violated 11 C.F.R. § 104.14(d), and take no further action.
9. Find no reason to believe Francis McCloskey violated 2 U.S.C. §§ 441a(f) and 434(b).
10. Close the file as it pertains to: the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer; the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E, Qualified and William Lucy, as treasurer; and, Francis McCloskey.
11. Approve the attached letters.

Charles N. Steele  
General Counsel

Date

1/27/87

BY:

  
Lawrence M. Noble  
Deputy General Counsel

Attachments

- 1- Complaint
- 2- AFSCME Response
- 3- NRLCPAC response
- 4- Committee response
- 5- Letters (4)

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: *MWE* MARJORIE W. EMMONS/JOSHUA MCFADDEN *JM*

DATE: JANUARY 30, 1987

SUBJECT: OBJECTION TO MUR 2285 - GENERAL COUNSEL'S REPORT  
SIGNED JANUARY 27, 1987

The above-captioned document was circulated to the Commission on Wednesday, January 28, 1987 at 4:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u>          </u>
Commissioner Josefiak	<u>          </u>
Commissioner McDonald	<u>          </u>
Commissioner McGarry	<u>          </u>
Commissioner Thomas	<u>          </u>

This matter will be placed on the Executive Session agenda for Wednesday, February 18, 1987.

93040930448





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE  
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JOSHUA MCFADDEN *JM*

DATE: FEBRUARY 5, 1987

SUBJECT: OBJECTIONS TO MUR 2258 - GENERAL COUNSEL'S REPORT  
SIGNED JANUARY 30, 1987

The above-captioned document was circulated to the Commission on Monday, February 2, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	<input type="checkbox"/>
Commissioner Elliott	<input checked="" type="checkbox"/>
Commissioner Josefiak	<input type="checkbox"/>
Commissioner McDonald	<input type="checkbox"/>
Commissioner McGarry	<input checked="" type="checkbox"/>
Commissioner Thomas	<input checked="" type="checkbox"/>

This matter will be placed on the Executive Session agenda for Wednesday, February 18, 1987.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Francis McCloskey; McCloskey )  
for Congress; Betty Merriman, )  
as treasurer; National Rural )  
Letter Carriers Association )  
Political Action Committee; ) MUR 2285  
Frank Newham, as treasurer; )  
American Federation of State, )  
County, and Municipal Employees- )  
P.E.O.P.L.E., Qualified; )  
William Lucy, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session of  
February 18, 1987, do hereby certify that the Commission  
took the following actions in MUR 2285:

1. Decided by a vote of 6-0 to find reason  
to believe that the American Federation  
of State, County, and Municipal Employees -  
P.E.O.P.L.E., Qualified, and William Lucy,  
as treasurer, violated 2 U.S.C. § 434(b)  
for not timely reporting certain in-kind  
contributions prior to the 1982 and 1984  
general elections.

Commissioners Aikens, Elliott, Josefiak,  
McDonald, McGarry, and Thomas voted  
affirmatively for the decision.

(continued)

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2. Decided by a vote of 6-0 to -

- a) Find no reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 441a(f).
- b) Find no reason to believe the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
- c) Find no reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with alleged failure to report a contribution from the National Rural Letter Carriers Association Political Action Committee.
- d) Find reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with a contribution from the National Rural Letter Carriers Association Political Action Committee, and take no further action.
- e) Find reason to believe the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer, violated 11 C.F.R. § 104.14(d), and take no further action.

(continued)

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- f) Find no reason to believe the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
  - g) Find reason to believe McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with contributions from the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified.
  - h) Find reason to believe the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 11 C.F.R. § 104.14(d), and take no further action.
  - i) Find no reason to believe Francis McCloskey violated 2 U.S.C. §§ 441a(f) and 434(b).

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted for the decision.

3. Decided by a vote of 6-0 to close the file as it pertains to the National Rural Letter Carriers Association Political Action Committee and Frank Newham, as treasurer.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted for the decision.

(continued)



4. Decided by a vote of 6-0 to close the file as it pertains to Francis McCloskey.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

5. Decided by a vote of 6-0 to direct the Office of General Counsel to send appropriate letters pursuant to the above actions.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

2-20-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1987

Honorable Francis McCloskey  
U.S. House of Representatives  
Washington, D.C. 20515

RE: MUR 2285  
Francis McCloskey

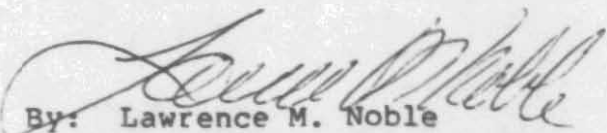
Dear Mr. McCloskey:

On November 10, 1986, the Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 18, 1987, determined that on the basis of the information in the complaint, and information provided on behalf of McCloskey for Congress and Betty Merriman, as treasurer, there is no reason to believe you violated 2 U.S.C. §§ 441a(f) and 434(b). Accordingly, the Commission closed its file in this matter as it pertains to you. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Lawrence M. Noble  
Deputy General Counsel

93040930454



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1987

Mr. Larry P. Weinberg, Esquire  
Kirschner, Weinberg and Dempsey  
Suite 1360  
1615 L Street, N.W.  
Washington, D.C. 20036

Re: MUR 2285  
American Federation of State,  
County, and Municipal  
Employees - P.E.O.P.L.E.,  
Qualified; William Lucy, as  
treasurer

Dear Mr. Weinberg:

The Federal Election Commission notified your clients, the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E., Qualified ("AFSCME") and William Lucy, as treasurer, on November 10, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied on behalf of your clients, the Commission, on February 18, 1987, determined that there is reason to believe AFSCME and William Lucy, as treasurer, violated 11 C.F.R. § 104.14(d) by failing to report election designations for the December 28, 1982, and January 22, 1985, contributions to McCloskey for Congress, and reporting incorrect designations for the April 22, 1983, January 22, 1985, and January 23, 1985, contributions, but determined to take no further action. In addition, on February 18, 1987, the Commission determined that there is reason to believe AFSCME and William Lucy, as treasurer, violated 2 U.S.C. § 434(b) by failing to report certain in-kind contributions prior to the 1982 and 1984 general elections. Specifically, it appears that AFSCME's in-kind contributions reported on December 28, 1982 (\$500) and April 22, 1983 (\$4,314.92) for the 1982 general election were reported untimely, and that AFSCME's in-kind contributions reported on January 22 and 23, 1985 (\$1,362.81) for the 1984 general election were

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reported untimely. Finally, on February 18, 1987, the Commission determined that there is no reason to believe AFSCME and William Lucy, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to McCloskey for Congress.

You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification. Statements should be submitted under oath.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please direct them to Maura White Callaway, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

Enclosure  
Procedures

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1987

Ms. Betty Merriman, Treasurer  
McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Re: MUR 2285  
McCloskey for Congress;  
Betty Merriman, as treasurer

Dear Ms. Merriman:

The Federal Election Commission notified McCloskey for Congress ("Committee") and you, as treasurer, on November 10, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied on your behalf, the Commission, on February 18, 1987, determined that there is reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(b) in connection with contributions from the American Federation of State, County, and Municipal Employees - P.E.O.P.L.E, Qualified ("AFSCME"). Specifically, it appears that an incorrect amount and date was reported for AFSCME's June 6, 1983, contribution, that the January 1985 in-kind contribution (\$1,362.81) was reported untimely, and that you failed to report AFSCME's April 22, 1983, in-kind contribution (\$4,314.92). The Commission also determined that there is reason to believe the Committee and you, as treasurer, violated 11 C.F.R. § 104.14(d) in connection with the reporting of an incorrect election designation for the May 20, 1983, contribution from the National Rural Letter Carriers Association Political Action Committee ("NRLCPAC") but determined to take no further action against the Committee and you, as treasurer, concerning this contribution.

In addition, on February 18, 1987, the Commission determined that there is no reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 434(b) by failing to report the receipt of the October 25, 1983, contribution (\$300) from NRLCPAC, and no reason to believe the Committee and you, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from AFSCME and NRLCPAC.

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You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please submit any such response within fifteen days of your receipt of this notification. Statements should be submitted under oath.

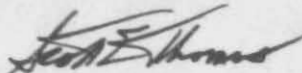
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation will not be entertained after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please direct them to Maura White Callaway, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

Enclosure  
Procedures

cc: Honorable Francis McCloskey

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 3, 1987

Mr. Frank Newham, Treasurer  
National Rural Letter Carriers Association  
Political Action Committee  
1448 Duke Street, Suite 100  
Alexandria, Virginia 22314

Re: MUR 2285  
National Rural Letters  
Carriers Association  
Political Action Committee;  
Frank Newham, as treasurer

Dear Mr. Newham:

The Federal Election Commission notified the National Rural Letter Carriers Association Political Action Committee ("NRLCPAC") and you, as treasurer, on November 10, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on February 18, 1987, determined that there is reason to believe NRLCPAC and you, as treasurer, violated 11 C.F.R. § 104.14(d) by reporting an incorrect election designation for three contributions (May 3, 1983, October 25, 1983, and March 22, 1984) made to McCloskey for Congress, but determined to take no further action. In addition, on February 18, 1987, the Commission determined that there is no reason to believe NRLCPAC and you, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to McCloskey for Congress. Accordingly, the Commission has closed its file in this matter as it pertains to NRLCPAC and you, as treasurer.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

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The confidentiality provisions of 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

The Commission reminds you that it nevertheless appears to be a violation of 11 C.F.R. § 104.14(d) to report incorrect election designations of contributions. You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Maura White Callaway, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,



Scott E. Thomas  
Chairman

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March 20, 1987

Scott E. Thomas, Chairman  
Federal Election Commission  
1325 K Street NW  
Washington, D.C. 20463

RE: MUR 2285  
McCloskey For Congress  
Betty Merriman, as Treasurer

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RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

Dear Mr. Thomas:

This letter is in response to the Commission's notice dated March 3, 1987, advising the McCloskey For Congress Committee ("Committee") and Betty Merriman, as Treasurer ("Treasurer") that it has determined there is reason to believe the Committee and the Treasurer violated 2 U.S.C. s434(b) in connection with contributions from the American Federation of State, County, and Municipal Employees--P.E.O.P.L.E., Qualified ("AFSCME").

On behalf of the Committee and the Treasurer, I am asking that this complaint be dismissed or, in the alternative, that the Commission order pre-probable cause conciliation. In support thereof, please find attached affidavits from John Goss, formerly Campaign Manager, Melinda Plaisier, the campaign Controller, and a statement from Girard P. Clark, AFSCME's Director of Political Action.

The Commission's determination revolves around AFSCME contributions dated June 6, 1983, January 1985, and April 22, 1983. As stated in the Committee's response dated December 11, 1986, it is the position of the Committee and the Treasurer that the complaint should be dismissed since the reported contributions from AFSCME do not exceed limitations established under the Federal Elections Campaign Act ("Act") and because any errors contained in previous reports were inadvertent and clerical in nature.

As indicated previously, the Committee erroneously reported a \$500 contribution dated May 20, 1983, instead of the correct contribution amount of \$250. AFSCME reported this contribution as dated June 6, 1987. The Committee has filed an amended report indicating the correct amount of the contribution.

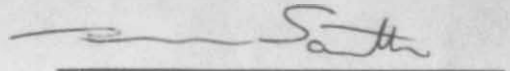
Similarly, amended F.E.C. reports now indicate the correct AFSCME in-kind contribution (\$1,362.81) dated January 1985. As stated in the affidavit of Melinda Plaisier, AFSCME's notification of this contribution was misfiled and not discovered until after the complaint was filed. The notification by ASFME was sent during a period in which there was a computer breakdown and the recount of the 8th District general election.

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Finally, AFSME's April 22, 1983, in-kind contribution (\$4,314.92) was reported as a \$5000 in-kind contribution dated September 30, 1982. As stated in the Affidavit of John Goss, Campaign Manager, the contribution was reported in this manner because the Committee received notification of the contribution from Indiana AFSCME officials and because the contribution was received in the form of a telephone bank which was in operation at that time. There is no record of any other notification from AFSCME having been received by the Committee. The Committee is in the process of filing an amended report consistent with AFSME's records.

In conclusion, this complaint should be dismissed since the contributions do not exceed limitations established under the Act as alleged in the complaint and because any errors contained in previous reports were inadvertent and clerical in nature.



Chris Sautter, Esq.  
Campaign Manager  
McCloskey For Congress

P.E.O.P.L.E.—THE LEGISLATIVE/POLITICAL ACTION ARM OF  
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES



**AFSCME**  
**in the public service**



Gerald W. McEntee, President / William Lucy, Secretary-Treasurer

March 18, 1987

Ms. Melinda Plaisier  
McCloskey for Congress Committee  
P.O. Box 70  
Bloomington, Indiana 47402

Dear Ms. Plaisier:

This is to confirm that the AFSCME PEOPLE Committee made contributions totaling \$4,814.92 to the McCloskey for Congress Committee for the 1982 general election. An In-Kind contribution in the amount of \$500.00 was made on December 28, 1982 and reported as such towards the 1982 general on AFSCME's FEC Report for the period covering November 23, 1982 through December 31, 1982. Another \$4,314.92 In-Kind contribution was made on April 22, 1983 and reported as such towards the 1982 general on AFSCME's FEC Report covering the month of April, 1983.

AFSCME PEOPLE made no contributions to the McCloskey for Congress Committee for the 1982 primary election.

If you should have any questions or require further information, please don't hesitate to call.

Sincerely,

Girard P. Clark  
Director of Political Action

GPC:c

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STATE OF INDIANA)

) SS:

COUNTY OF MONROE)

AFFIDAVIT OF MELINDA K. PLAISIER

Comes Now Melinda K. Plaisier and having first been duly sworn upon her oath hereby states as follows:

1. I live at 3617 Post Road, Bloomington, Indiana.
2. I currently serve as Controller for the McCloskey for Congress Committee. I have held the position of Controller since approximately March, 1985.
3. My responsibilities as Controller include depositing contributions into Committee bank accounts, logging contributions in Committee record books, and preparing F.E.C. reports for the Committee Treasurer.
4. Prior to serving as Controller, I worked as a campaign staff assistant during the period June 1984 to May 1985. During the period June 1984 through February 1985, I assisted the person who served as Controller.
5. To the best of my knowledge, I was unaware of an AFSCME January 1985 inkind contribution in the amount of \$1,362.81 until the F.E.C. notified the Committee in November, 1986, that a complaint had been filed. Upon receipt of the F.E.C. complaint, I searched appropriate Committee files, but was unable to locate any record of a January 1985 inkind contribution. The January 1985 notification of contribution from AFSCME only turned up during a subsequent search of all Committee records.
6. The records were in disarray during the period of November 1984 through May 1985 due to an extended recount process relating to the 1984 General Election. In addition, there was a computer malfunction in December 1984, whereby the entire data base was lost and had to be manually reconstructed over a period of several months.
7. The untimely reporting of the January 1985 inkind contribution from AFSCME is the result of human error and the inadvertent misfiling of AFSCME's notification of contribution. There has been no intent to omit or misrepresent contributions received by the Committee at any time on F.E.C. reports.

And Further Affiant Sayeth Not

I swear upon the penalties of perjury that the foregoing is true to the best of my knowledge and belief.

Melinda K. Plaisier  
Melinda K. Plaisier

Subscribed and sworn before me this

20th Day of March, 1987.  
Shea K. Hall  
NOTARY

My Commission Expires: July 22, 1989



AFFIDAVIT OF JOHN GOSS

Comes Now John Goss and having been duly sworn upon his oath hereby states as follows:

1. I live at 1616 Buffstone Court, Bloomington, Indiana.
2. I currently serve as Deputy Mayor for the City of Bloomington, Indiana.
3. I served as Campaign Manager for the McCloskey For Congress Committee during the 1982 and 1984 campaigns and during the recount of the 1984 8th District election from November 1984 until May 1985.
4. As Campaign Manager, I supervised all activities carried out on behalf of the Committee, including the filing of F.E.C. reports.
5. The Committee reported a \$5000 in-kind contribution from AFSCME as received on September 30, 1982. This contribution and the two contributions reported by AFSCME dated December 28, 1982, in the amount of \$500 and April 22, 1983, (totaling \$4,814.92 for the 1982 general election) are, in fact, the same contribution.
6. The Committee reported AFSCME's 1982 general election contribution as \$5000 received on September 30, 1982, after receiving notification by telephone of the contribution from AFSCME officials in Indiana. Because we had received verbal notification of the contribution and because the in-kind contribution was received in the form of a telephone bank which was in operation at that time, it was my belief it should be reported as received on September 30, 1982.
7. I was not aware the Committee received any notification of AFSCME's 1982 general election contribution other than as reported.
8. The reporting of AFSCME's 1982 general election in-kind contribution as \$5000 received on September 30, 1982, instead of a total of \$4,814.92 was made in good faith and based upon all available information. There has been no intent to omit or misrepresent contributions received by the Committee at any time on F.E.C. reports.

And Further Affiant Sayeth Not:

I swear under the penalties of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

John R. Goss  
John Goss

Subscribed and sworn before me this 20th day of March, 1987  
Don R. Hall  
NOTARY

My Commission Expires : July 22, 1989

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LAW OFFICES  
KIRSCHNER, WEINBERG & DEMPSEY  
SUITE 1360  
1615 L STREET, N.W.  
WASHINGTON, D.C. 20036

(202) 775-5900

March 19, 1987

RICHARD KIRSCHNER  
LARRY P. WEINBERG  
JOHN C. DEMPSEY

MARTHA WALFOORT  
CRAIG BECKER  
JOHN J. SULLIVAN  
KIMBERLEE KELLER  
JOSEPH A. LOPES

OF COUNSEL  
DENNIS D. CLARK

87 MAR 23  
PENNSYLVANIA OFFICE  
TENTH FLOOR  
1608 WALNUT STREET  
PHILADELPHIA, PA 19103  
(215) 993-9000

VIRGINIA OFFICE  
10311 COMMONWEALTH BLVD.  
FAIRFAX, VA 22032  
(703) 290-0246

Scott E. Thomas, Chairman  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 2285  
American Federation of State, County and Municipal  
Employees - PEOPLE, Qualified

Dear Chairman Thomas:

This is in response to your letter of March 3, 1987 received by us on March 6, 1987 regarding the above-captioned Matter Under Review.

We are submitting this letter as a response to that portion of your March 3 letter which stated that:

On February 18, 1987, the Commission determined that there is reason to believe AFSCME and William Lucy, as treasurer, violated 2 U.S.C. §434(b) by failing to report certain in-kind contributions prior to the 1982 and 1984 general elections. Specifically, it appears that AFSCME's in-kind contributions reported on December 28, 1982 (\$500) and April 22, 1983 (\$4,314.92) for the 1982 general election were reported untimely, and that AFSCME's in-kind contributions reported on January 22, and 23, 1985 (\$1,362.81) for the 1984 general election were reported untimely.

As set forth in the affidavit of Girard P. Clark, previously filed in this matter, the dates used in the above-quoted portion of your letter are the dates on which the disbursements in question were made (rather than the dates on which they were reported, as suggested by the language of your letter) and AFSCME PEOPLE and William Lucy, as treasurer, submit that each of these disbursements was timely reported in conformity with requirements of 2 U.S.C. §434.

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OFFICE OF THE  
GENERAL COUNSEL

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As your records will indicate, AFSCME PEOPLE has exercised its option under 2 U.S.C. §434(a)(4)(B) to file monthly reports on its activities which are reportable under the Federal Election Campaign Act of 1971, as amended. As that Section provides, a report covering the activities of a given calendar month is required to be filed no later than the 20th day of the following month, except that, in regular election years, no monthly report is required for the months of November and December, and in lieu thereof, the committee is required to file a pre-general election report by the 12th day before the election which is complete as of the 20th day before the election and a post-general election report no later than the 30th day after the election which is complete as of the 20th day after such election. In addition, the committee is required to file a year end report by January 31 of the following year. As will be shown below, each of the disbursements referred to and alleged to have been untimely reported in the portion of your letter quoted above was timely reported in accordance with the reporting requirements set forth in 2 U.S.C. §434.

The first disbursement claimed to have been untimely reported is the \$500 disbursed on December 28, 1982. Since this disbursement was made after the period covered by the post-general election report, the first report on which it was appropriately reportable was the year end report due January 31, 1983. As can be seen from the copy of that report attached to the affidavit of Girard P. Clark as Exhibit 3, that disbursement was so reported and the report was timely filed.

The next disbursement claimed to have been untimely reported in your letter was the April 22, 1983 disbursement of \$4,314.92. Since that disbursement was made in April 1983, it was obviously required to be reported on the report covering that month which was required to be filed by May 20, 1983. As can be seen from Exhibit 2 attached to the affidavit of Girard P. Clark, that disbursement was so reported and the report was timely filed.

The last disbursement claimed to have been untimely reported in your letter was the disbursement of \$1,362.81 on January 22 and 23, 1985. Since that disbursement (actually a combination of three payments to different telephone companies) was made during the month of January 1985, it was reportable on the report covering that month which was required to be filed by February 20, 1985. As can be seen from Exhibit 13 attached to the affidavit of Girard P. Clark, that disbursement was so reported and the report was timely filed.

Based upon the foregoing, AFSCME PEOPLE and William Lucy submit that they have complied with all reporting requirements of the Act in connection with the disbursements as to which the Commission has

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found reason to believe that untimely reporting occurred. However, this conclusion seems so obvious from the reports regularly filed with the Commission which covered these disbursements we can only conclude that, in finding reason to believe, the Commission was operating on the theory that in-kind contributions such as those for which each of these disbursements were made have to be reported to the Commission at the time the goods and/or services are provided to the candidate, rather than when the disbursement is actually made. For the reasons set forth below, we believe such a theory is contrary to the express language of the Act and the Commission's regulations, as well as being impossible to carry out at a practical level.

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Section 434(a)(1) provides that "[e]ach treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection." Section 434(b)(4) requires that the committee report "for the reporting period and the calendar year, the total amount of all disbursements. . . .". Along the same lines, the Commission's regulations require that such reports "disclose the total amount of all disbursements for the reporting period and for the calendar year. . . .". In fact, that section of the regulations, 11 CFR §104.3(b) is titled "Reporting of Disbursements". The following subsection (11 CFR §104.3(b)(1)), entitled "Categories of Disbursements for Political Committees Other Than Authorized Committees," requires that "all political committees other than authorized committees shall report the total amount of disbursements made during the reporting period. . . ." As should be obvious by now, what is required to be reported by the Act and the Commission's regulations is "disbursements", and the undersigned has been able to find no dictionary which does not use the phrase "money paid out" or similar language in defining that word. We submit that since each of the disbursements in question was reported on the report covering the period in which the disbursement was made (money paid out), and each such report was timely filed, there could not have been untimely reporting of these disbursements.

At a practical level, we submit that these in-kind contributions could not have been reported at the time the goods and/or services were provided to the candidate, since their dollar value (cost) was not known at that time and could not be known until much later when bills were received and analyzed to determine what portions were attributable to reportable activities on behalf of the candidates in question.

As set forth in the attached affidavit of Linda Canan, each of the disbursements in question related to the operation of a telephone bank which was used, in part, to make calls to the general



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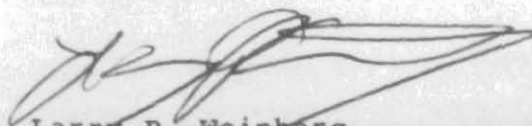
public in support of Congressman McCloskey. In each case, the calls to the general public, commonly referred to as "hard money calls", were made during the period immediately preceding the election in question. The primary expense incurred in the operation of these phone banks was for the cost of the use of the phones. The cost of using the phones is not known, and cannot be known, until much later when bills are received and those bills have been analyzed to determine what portion of the telephone costs are attributable to hard money calls. Once that determination has been made, a disbursement is made by the committee to pay that portion of the telephone costs which is attributable to hard money calls and that disbursement is timely reported to the Commission on the report covering that period. Until that determination has been made, however, the Committee has no way of knowing, or even accurately estimating, the dollar value of the in-kind contribution and is, therefore, incapable of reporting it to the Commission.

We would also point out that if we are correct in concluding that the basis of the Commission's finding of reason to believe is that in-kind contributions should be reported when "given" to the candidate, rather than when the disbursement is made, the logical extension of that theory is that disbursements made during reporting periods prior to the time the goods or services purchased with that disbursement are "given" to the candidate would not be reported until they are, in fact, given to the candidate. As AFSCME PEOPLE has interpreted the Act, such disbursements are reportable when they are made, not several months later when the goods or services purchased are given to the candidate, and that is how they have been reported.

In addition, we would submit that AFSCME PEOPLE and William Lucy have made their best efforts to comply with all of the Commission's reporting requirements. To our knowledge, the Commission has never required that this type of disbursement be reported in this manner in the past. To establish such a requirement in the context of an enforcement proceeding is contrary to §104.7(a) of the Commission's regulations.

For the foregoing reasons, AFSCME PEOPLE and William Lucy submit that the Commission had no legal basis for its finding of reason to believe the disbursements here involved were untimely reported, and further submits that there is no basis for a finding of probable cause in this matter.

Respectfully submitted,



Larry P. Weinberg  
Counsel for AFSCME PEOPLE  
and William Lucy

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ELECTION COMMISSION

MUR No. 2285

AFFIDAVIT OF LINDA CANAN

Washington, D.C. ) ss:

LINDA CANAN having been duly sworn deposes and states as follows:

1. I am employed in the Political Action Department of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), and have been employed in that Department since 1980.

2. In that capacity, I have been involved with and am familiar with the operation of telephone banks in connection with political campaigns.

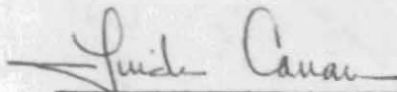
3. As I understand the matter in connection with which I have been asked to give this affidavit, it involves disbursements made by AFSCME PEOPLE for the operation of telephone banks in support of the candidacy of Congressman McCloskey in the 1982 and 1984 general elections. I have examined the records of our department with regard to those elections and they show that, in each case, the telephone banks in question were used for calls to the general public only during the several week period immediately preceding the general election. The dollar cost of using those telephone banks on behalf of candidate McCloskey was not known at the time of the election, and could not be known until at least several weeks, and in some cases more than a month later when telephone bills covering that period of usage were received and had been analyzed to

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determine what portion of those bills were attributable to calls to the general public.

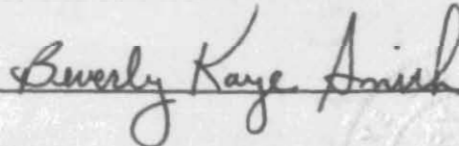
3. Based upon my experience derived from my involvement with the use of telephone banks in political campaigns it is impossible to know what the cost of telephone usage is at the time calls are being made, and this determination can only be made when the actual bills covering that usage have been received and analyzed. Also based upon that experience, I state that it would be impossible to even estimate the cost of such telephone usage with any degree of accuracy, since that cost will vary depending upon such factors as the efficiency of the callers (number of calls made in a given period of time), the length of the telephone message, how many of the calls are toll calls and at what rate, whether the phone system in question charges for message units, etc. Given the number of variables involved, and the fact that certain variables can move the cost either up or down depending upon the billing system used by a particular phone company, any attempt to estimate costs of phone usage would be nothing more than an extremely unreliable guess.

Further Affiant sayeth not.



Linda Canan  
1625 L Street, N.W.  
Washington, D.C. 20036

Subscribed and sworn to before me, a Notary Public,  
this 20<sup>th</sup> day of March, 1987.



My Commission Expires:

My Commission Expires April 30, 1989

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
McCloskey for Congress and )  
Betty Merriman, as treasurer ) MUR 2285

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COMMISSION SECRETARY

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 31, 1986, Bernard Black-Schaffer filed a complaint against the above-captioned respondents, and Francis McCloskey; the National Rural Letter Carriers Association Political Action Committee ("NRLCA") and Frank Newman, as treasurer; and the American Federation of State, County and Municipal Employees-P.E.O.P.L.E., Qualified and William Lucy, as treasurer ("AFSCME").

The complaint alleged that Francis McCloskey, McCloskey for Congress ("the Committee") and Betty Merriman, individually and as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from NRLCA and AFSCME in connection with the 1984 general election. Secondly, the complaint alleged that NRLCA and AFSCME, and their respective treasurers, individually and as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Committee. The complaint further alleged certain reporting errors by all of the respondents.

On February 18, 1987, the Commission found no reason to believe, or reason to believe and took no further action, in many of the allegations against the several respondents. The Commission also closed the file as it pertained to NRLCA Political Action Committee and Frank Newham, as treasurer,

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and to Francis McCloskey. The Commission voted to pursue the following reason to believe findings: (a) that AFSCME-P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b) for not timely reporting certain in-kind contributions prior to the 1982 and 1984 general elections, and (b) that McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with contributions from AFSCME-P.E.O.P.L.E., Qualified.

Respondents, the McCloskey for Congress Committee and Betty Merriman, responded to the reason to believe finding on March 20, 1987. Attachment I. At that time they requested dismissal of the matter, or in the alternative, pre-probable cause conciliation.<sup>1/</sup> This Office is prepared to recommend that the Commission enter into conciliation with the Committee prior to a finding of probable cause to believe based on the following considerations.

## II. ANALYSIS

The Act requires a reporting committee to identify, on each disclosure report, the political committee from which contributions are received, and the date and amount of such contribution. 2 U.S.C. § 434(b)(3)(B).

On February 18, 1987, the Commission found reason to believe that McCloskey for Congress and Betty Merriman, as treasurer, violated 2 U.S.C. § 434(b) in connection with certain

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<sup>1/</sup> Respondents, AFSCME and William Lucy, responded to the reason to believe finding, through counsel, on March 19, 1987. They did not request pre-probable cause conciliation.

contributions from AFSCME. Specifically, the issues were whether the Committee failed to report the in-kind contribution of \$4,314.92; whether it reported an incorrect amount and date of receipt of a contribution of \$250 made by a check dated June 6, 1983; and whether it reported the in-kind contribution of \$1,362.81 untimely.

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In its request for dismissal, the Committee submitted that errors contained in its reports were clerical and inadvertent. The in-kind contribution of \$4,314.92 resulting from AFSCME's telephone banks for the 1982 General Election was reported by the Committee in its 1982 October Quarterly Report, which was timely filed. At that time the Committee reported the in-kind contribution in the amount of \$5,000 based on information received from the Indiana AFSCME that the telephone banks were in operation.<sup>2/</sup> In an affidavit, the campaign manager for the Committee stated that he was not aware of any later notification from AFSCME regarding the actual cost of the telephone banks. Attachment I(5). The Committee amended its 1982 October Quarterly Report on May 11, 1987, to disclose a total in-kind contribution of \$4,814.92 from AFSCME.<sup>3/</sup>

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<sup>2/</sup> It is noted that one of the issues in the reason to believe finding against AFSCME is its failure to disclose this contribution at the time the telephone banks were operated. Instead, AFSCME waited until the bills for the service were received and appropriate payments disbursed in April 1983, before reporting the activity to the Commission. The required reporting dates for in-kind contributions of \$500 and \$1,362.81 are also at issue in this matter, as it pertains to AFSCME.

<sup>3/</sup> This total includes the \$500 contribution noted in footnote 2, above, and the \$4,314.92 contribution at issue.

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The Committee admitted its error in reporting the incorrect date and amount for the \$250 contribution made by AFSCME with a check dated June 6, 1983. Initially the amount of \$500 was reported as received. The Committee stated in its initial response to the complaint that it had consistently reported the date of receipt as May 20, 1983, and that no other contribution was received from AFSCME during that year. In its initial response to the complaint, AFSCME included a copy of its transmittal letter to the Committee which was dated June 21, 1983. See, MUR 2285, General Counsel's Report, signed January 27, 1987. The Committee amended its 1983 Mid-Year Report on December 10, 1986, to disclose the correct amount of the contribution, but did not change the reported date of receipt, despite the discrepancies with the dates on the check and on the AFSCME transmittal letter.

The Committee asserted that it was not aware of the contribution of \$1,362.81 from AFSCME, which resulted from a telephone bank conducted prior to the 1984 general election, due to its having misplaced the letter of notification. In an affidavit, the Controller for the Committee stated that the complaint filed in this matter alerted the Committee and caused a thorough search of its records, whereupon the misplaced notification was located. Attachment I(4). It was also explained that the mistake occurred during a period when the candidate was involved in a recount process for the 1984 General Election and when a computer malfunction resulted in a need to manually reconstruct the data base. The Committee amended its 1984 Post General Election Report on December 4, 1986 to disclose the contribution.

### III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

#### IV. RECOMMENDATIONS

1. Enter into conciliation with the McCloskey for Congress Committee and Betty Merriman, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

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Date 7/24/87

Lawrence M. Noble (LNF)  
Lawrence M. Noble  
Acting General Counsel

#### Attachments

1. Request for conciliation
2. Proposed conciliation agreement and letter





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE  
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / JERYL L. WARREN *JW*

DATE: JULY 28, 1987

SUBJECT: OBJECTION ON MUR 2285 - GENERAL COUNSEL'S REPORT  
SIGNED JULY 24, 1987

The above-captioned document was circulated to the  
Commission on Monday, July 27, 1987 at 11:00.

Objections have been received from the Commissioners  
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	<u>      X      </u>
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session  
agenda for Tuesday, August 4, 1987.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
McCloskey for Congress and ) MUR 2285  
Betty Merriman, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 4, 1987, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2285:

1. Enter into conciliation with the McCloskey for Congress Committee and Betty Merriman, as treasurer, prior to a find of probable cause to believe.
2. Approve the proposed conciliation agreement and letter attached to the General Counsel's report dated July 24, 1987,

Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens was not present at the time this matter was under consideration.

Attest:

8-4-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 5, 1987

Ms. Betty Merriman, Treasurer  
McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Re: MUR 2285  
McCloskey for Congress and  
Betty Merriman, as treasurer

Dear Ms. Merriman:

On February 18, 1987, the Federal Election Commission found reason to believe that McCloskey for Congress and you, as treasurer, violated 2 U.S.C. § 434(b). At your request, on August 4, 1987, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Sandra H. Robinson, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

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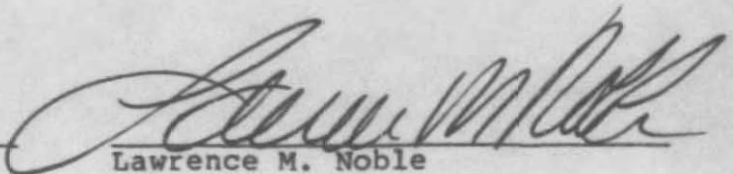
In the Matter of )  
American Federation of State, ) MUR 2285  
County and Municipal Employees - )  
P.E.O.P.L.E., Qualified and )  
William Lucy, as treasurer )

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation of this matter as it pertains to American Federation of State, County and Municipal Employees-P.E.O.P.L.E., Qualified and William Lucy, as treasurer, based on the assessment of the information presently available.

Date

8/19/57



Lawrence M. Noble  
Acting General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 20, 1987

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Ms. Betty Merriman, Treasurer  
McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

Re: MUR 2285  
McCloskey for Congress  
and Betty Merriman, as  
treasurer

Dear Mr. Merriman:

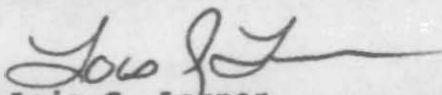
On August 5, 1987, you were notified that, at your request, the Federal Election Commission determined to enter into negotiations directed toward reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe. On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that conciliation negotiations entered into prior to a finding of probable cause to believe are limited to a maximum of 30 days. To date, you have not responded to the proposed agreement. The 30-day period for negotiations will soon expire. The Commission remains hopeful that this matter can be settled through a conciliation agreement, however, unless we receive a response from you within the 30 day period, this Office will consider these negotiations terminated and will proceed to the next stage of the enforcement process.

Should you have any questions, please contact Sandra H. Robinson, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
Acting General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 3, 1987

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MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble *[Signature]*  
Acting General Counsel

SUBJECT: MUR 2285

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on September 3, 1987. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1-Brief
- 2-Letter to respondents

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 3, 1987

Larry P. Weinberg, Esquire  
Kirschner, Weinberg & Dempsey  
1615 L Street, N.W., Suite 1360  
Washington, D.C. 20036

RE: MUR 2285  
American Federation of State,  
County and Municipal  
Employees - P.E.O.P.L.E.,  
Qualified and William Lucy, as  
treasurer

Dear Mr. Weinberg:

Based on a complaint filed with the Federal Election Commission on October 21, 1986, and information supplied by your clients, American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, the Commission on February 18, 1987, found that there was reason to believe your clients, American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of whether there is probable cause to believe a violation has occurred.

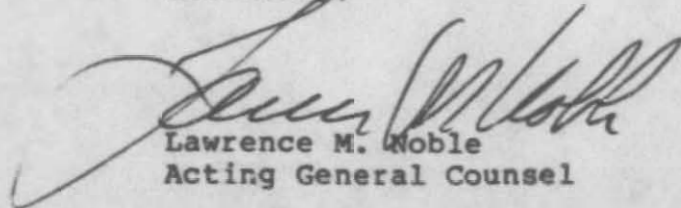
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Letter to Larry P. Weinberg, Esquire  
Page 2

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extension of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Should you have any questions, please contact Sandra H. Robinson, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
Acting General Counsel

Enclosure  
Brief

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
American Federation of State, ) MUR 2285  
County and Municipal Employees - )  
P.E.O.P.L.E., Qualified and )  
William Lucy, as treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

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This matter arose as an external complaint filed by Bernard Black-Schaffer, through counsel, on October 31, 1986. The complaint made specific allegations against several respondents, among them the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, individually and as treasurer ("Respondents"). As it pertained to these Respondents, the complaint alleged that they violated Section 441a(a)(2)(A) of the Federal Election Campaign Act of 1971, as amended ("the Act") by making excessive contributions to the McCloskey for Congress Committee ("the McCloskey Committee"). The complaint also alleged certain reporting violations by the treasurer and requested that liability be imposed both personally and in his capacity as treasurer, pursuant to Section 104.14(d) of the Commission's Regulations.

On February 18, 1987, the Commission found reason to believe that American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b) for not timely reporting certain in-kind contributions prior to the 1982 and 1984 general elections.

The in-kind contributions in question were due to telephone banks conducted by Respondents for the benefit of the Francis McCloskey campaign. Telephone banks were conducted prior to the 1982 general election, but the costs for this service were reported after the election. A \$500.00 disbursement made on December 28, 1982, was reported on the 1982 Year End Report, and a \$4,314.92 disbursement made on April 23, 1983, was reported on the April 1983 Monthly Report.

The costs of telephone banks operated prior to the 1984 general election were paid with disbursements totalling \$1,362.81 made on January 22 and 23, 1985. These disbursements were reported on the January 1985 Monthly Report.

## II. ANALYSIS

The Act requires political committees to identify, on reports filed with the Commission, the name and address of each political committee that received a contribution from the reporting committee during the reporting period, along with the date and amount of any such contribution. 2 U.S.C. § 434(b)(6)(B).

Respondent, AFSCME, is a registered multi-candidate committee within the meaning of 2 U.S.C. § 441a(a)(4), and is non-party related. It has elected to file reports with the Commission on a monthly basis, pursuant to 2 U.S.C. § 434(a)(4).

In their response to the reason to believe finding, Respondents argued that each disbursement for the phone banks was reported on the respective report, timely filed, which covered the payment date. Respondents asserted the supposition that the

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payment date is the critical date to be reported to the Commission, as this is when the actual value of the service is known and funds are disbursed. Therefore, Respondents reasoned that the disbursement date should also be considered the date for the in-kind contribution. Respondents contended that the Act and the Regulations require the reporting of disbursements, and that it did timely report its disbursements as required.

Respondents stated further that it could not know the value of the service of the phone banks, conducted during the period immediately preceding the elections, until the bills were received and costs allocated. In an affidavit attached to Respondents' reply and signed by its employee, Linda Canan, it is explained that the bills for the phone banks connected with the McCloskey for Congress campaign were received several weeks or possibly one month after the service was used. Ms. Canan stated that it was "impossible" to estimate the cost for the telephone banks with any degree of accuracy, as other irregular factors, such as the length of the message, the caller's efficiency, or the use of toll calls, would have an effect.

Based on its previous experience with telephone banks, Respondents can reasonably be expected to estimate with a degree of accuracy the cost of the service. In each instance it is noted that the actual costs for the telephone banks resulted in total in-kind contributions which came within a few hundred dollars of Respondents' \$5,000 contribution limitation for each election. The total of in-kind contributions for the 1982

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general election was \$4,814.92, and for the 1984 general election it was \$4,263.65.

The question presented is whether Respondents should be held to the requirement to report in-kind contributions when transacted, even though it can only estimate their value, and if reported as an estimated amount, how should the actual cost be reported.

The Act is specific in its requirement that contributions be disclosed on reports covering the period in which the contributions are made. The Commission's Regulations reiterate the reporting requirements of the Act at 11 C.F.R.

§ 104.3(b)(3)(v), for the donor committee, and further specify that in-kind contributions are to be reported in an amount equal to the usual and normal value on the date received and that they should be reported as both contributions and expenditures by the recipient committee. See, 11 C.F.R. § 104.13. It is noted that the McCloskey Committee reported estimated costs for the in-kind contributions resulting from the above telephone banks on disclosure reports covering the periods during which they were operated, and thus the benefits received.

The purpose of the reporting requirements of the Act is to promote the disclosure of financial activity as it impacts on Federal elections. The periods immediately preceding a Federal election are especially critical. It is mandated by this purpose that pertinent financial data be publicly available at those times when the influence of political committees on Federal elections is most imminent.

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It is established that Respondents did not report the in-kind contributions resulting from the telephone banks at the time the services were transacted prior to the 1982 and 1984 general elections. Respondents reasoned that its obligation to disclose the contributions on its reports to the Commission arose upon receipt of the telephone bills and the allocation of costs to the McCloskey Committee. When the actual costs were obtained, Respondents made the appropriate disbursements, informed the McCloskey Committee of the amount of the in-kind contributions, and reported the disbursements on the report encompassing that payment date. The affidavit signed by Respondents' staff suggested that this is the ordinary course of business for the organization and there was no intent to mislead or to evade the reporting requirements of the Act. In neither situation did the in-kind contributions result in Respondents exceeding its statutory contribution limitations.

Respondents reported one of the in-kind contributions made towards the 1982 general election approximately two months after the telephone banks were operated and reported the other approximately six months later. The in-kind contributions made toward the 1984 general election were not reported until approximately three months after the telephone banks were operated. The telephone banks, conducted immediately prior to the respective elections, were clearly designed to impact upon the outcome of those elections to the benefit of the McCloskey campaign. The Act and Regulations required Respondents to disclose the nature and amount of these in-kind contributions

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on reports covering the period when the telephone banks were operated. Amendments to reports are allowed, and upon receipt of the accurate costs, Respondents could have timely amended the respective reports.

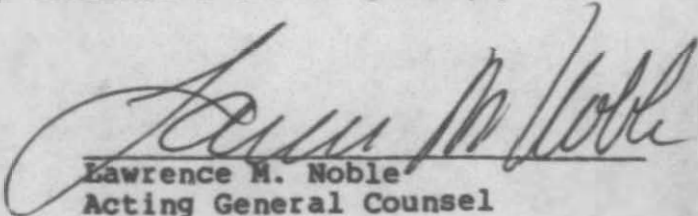
By failing to report the above in-kind contributions in a timely manner, Respondents are in violation of 2 U.S.C. § 434(b).

**III. GENERAL COUNSEL'S RECOMMENDATION**

Find probable cause to believe that the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b).

Date

9/2/87

  
Lawrence M. Noble  
Acting General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 American Federation of State, ) MUR 2285  
 County and Municipal Employees- )  
 P.E.O.P.L.E., Qualified and )  
 William Lucy, as treasurer )

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RESPONDENTS' BRIEF

I. STATEMENT OF THE CASE

Respondents hereby accept the Statement Of The Case as set forth in the General Counsel's Brief, but feel compelled to point out one inaccuracy and one omission. First, the external complaint out of which this matter arose did not allege any reporting violations by respondent William Lucy, as suggested by the General Counsel's brief. The only reporting violations alleged in that complaint were attributed to the treasurer of the McCloskey Committee. Second, the statement of the case contained in the General Counsel's brief failed to point out that the Commission had found no reason to believe that these respondents had made excessive contributions as alleged in the external complaint.

II. THE ISSUE

Where an in-kind contribution in the form of telephone bank services is made during one reporting period and disbursements in connection with such telephone bank are made after bills are received in later reporting periods, do the Federal Election

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Campaign Act of 1971, as amended ("The Act") or the Commission's Regulations require the reporting of an estimated cost for such telephone bank services in the report covering the period during which the services were provided.

The General Council takes the position that the Act and the Regulations require such in-kind contributions to be reported "when transacted" even if there value (cost) is not yet known, since bills have not yet been received and even though no disbursement for the cost of such services was made during such reporting period. For the reasons set forth below, respondents submit that neither the Act nor the Commission's regulations require that such transactions be so reported.

### III. ARGUMENT

The reasonable cause finding which is the basis of this proceeding stated as follows:

"On February 18, 1987, the Commission determined that there is reason to believe AFSCME and William Lucy, as treasurer, violated 2 U.S.C. §434(b) by failing to report certain in-kind contributions prior to the 1982 and 1984 general elections. Specifically, it appears that AFSCME's in-kind contributions reported on December 28, 1982 (\$500) and April 22, 1983 (\$4,314.92) for the 1982 general election were reported untimely, and that

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AFSCME's in-kind contributions reported on January 22 and 23, 1985 (\$1,362.81) for the 1984 general election were reported untimely." <sup>1/</sup>

As your records will indicate, AFSCME PEOPLE has exercised its option under 2 U.S.C. §434(a)(4)(B) to file monthly reports on its activities which are reportable under the Act. As that Section provides, a report covering the activities of a given calendar month is required to be filed no later than the 20th day of the following month, except that, in regular election years, no monthly report is required for the months of November and December, and in lieu thereof, the committee is required to file a pre-general election report by the 12th day before the election which is complete as of the 20th day before the election and a post-general election report no later than the 30th day after the election which is complete as of the 20th day after such election. In addition, the committee is required to file a year end report by January 31 of the following year. As will be shown below, each of the disbursements referred to and alleged to have been untimely reported in the reasonable cause finding quoted above was timely reported in accordance with the reporting requirements set forth in 2 U.S.C. §434.

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As set forth in the Affidavit of Girard P. Clark, previously filed in this matter, the dates used in the above-quoted reasonable cause finding are the dates on which the disbursements in question were made, rather than the dates on which they were reported as suggested by the language of the reasonable cause finding.

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The first disbursement claimed to have been untimely reported is the \$500 disbursed on December 28, 1982. Since this disbursement was made after the period covered by the post-general election report, the first report on which it was appropriately reportable was the year end report due January 31, 1983. As can be seen from the copy of the report attached to the affidavit of Girard P. Clark as Exhibit 3, that disbursement was so reported and the report was timely filed.

The next disbursement claimed to have been untimely reported in your letter was the April 22, 1983 disbursement of \$4,314.92. Since that disbursement was made in April 1983, it was required to be reported on the report covering that month which was required to be filed by May 20, 1983. As can be seen from Exhibit 2 attached to the affidavit of Girard P. Clark, that disbursement was so reported and the report was timely filed.

The last disbursement claimed to have been untimely reported in your letter was the disbursement of \$1,362.81 on January 22, and 23, 1985. Since that disbursement (actually a combination of three payments to different telephone companies) was made during the month of January 1985, it was reportable on the report covering that month which was required to be filed by February 20, 1985. As can be seen from Exhibit 13 attached to the affidavit of Girard P. Clark, that disbursement was so reported and the report was timely filed.

Based upon the foregoing, there can be no doubt that the disbursements made by AFSCME for the in-kind contributions in

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question were timely reported and those reports were timely filed. However, the General Council now takes the position, for the first time as far as these respondents are aware, <sup>2/</sup> that in-kind contributions in the form of telephone bank services are required to be reported as an estimated contribution in the report covering the reporting period in which the services were provided even though respondents have not yet been billed for those service and, therefore, do not know their value (cost) and have not made any disbursements for them. For the reasons set forth below, we believe such a theory is contrary to the express language of the Act and the Commission's regulations, as well as being impossible to carry out at a practical level.

Section 434(a)(1) provides that "[e]ach treasurer of a political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection." Section 434(b)(4) requires that the committee report "for the reporting period and the calendar year, the total amount of all disbursements. . . ." Along the same lines, the Commission's regulations require that such reports "disclose the total amount of all disbursements for the reporting period and for the calendar year . . . ". In fact, that section of the regulations, 11 CFR §104.3(b) is titled "Reporting of

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In this connection it is worth noting that some of the same expenditures here involved were the subject of an earlier Matter Under Review (MUR 1530) which was closed without anyone from the Commission ever suggesting that the disbursements in question were untimely reported.

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Disbursements." The following subsection, 11 CFR §104.3(b)(1), entitled "Categories of Disbursements for Political Committees Other Than Authorized Committees," requires that "all political committees other than authorized committees shall report the total amount of disbursements made during the reporting period."

As should be obvious by now, what is required to be reported by the Act and the Commission's regulations is "disbursements", and the undersigned has been able to find no dictionary which does not use the phrase "money paid out" or similar language in defining that word. We submit that since each of the disbursements in question was reported on the report covering the period in which the disbursement was made (money paid out), and each such report was timely filed, there could not have been untimely reporting of these disbursements.

At a practical level, we submit that these in-kind contributions could not have been reported at the time the services were provided for the benefit of the candidate, since their dollar value (cost) was not known at that time and could not be known until much later when bills were received and analyzed to determine what portions were attributable to reportable activities on behalf of the candidates in question.

As set forth in the affidavit of Linda Canan, filed earlier in this matter, each of the disbursements in question related to the operations of a telephone bank which was used, in part, to make calls to the general public in support of Congressman McCloskey. In each case, the calls to the general public,

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commonly referred to as "hard money calls", were made during the period immediately preceding the election in question. The primary expenses incurred in the operation of these phone banks were for the cost of the use of the phones and the payments to callers operating the phones. Since the disbursements for payments to the callers were made at the time the phone bank was operating, those amounts were reported on the 30-day post election report which covered that period. See Exhibit 11 to the affidavit of Girard P. Clark. The cost of using the phones was not known, and could not be known, until much later when bills were received and those bills were analyzed to determine what portion of the telephone costs were attributable to hard money calls. Once that determination was made, a disbursement was made by the committee to pay that portion of the telephone costs which was attributable to hard money calls and that disbursement was timely reported to the Commission on the report covering that period. Until that determination had been made, however, the Committee had no way of knowing, or even accurately estimating, the dollar value of the in-kind contribution and was, therefore, incapable of reporting it to the Commission.

The General Counsel contends that respondents should have estimated the costs of running the phone bank and reported that estimate in the report covering the period during which the phone banks were in operation. In support of this contention, the General Counsel's Brief states as follows:

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"The Act is specific in its requirement that contributions be disclosed on reports covering the period in which the contributions are made. The Commission's Regulations reiterate the reporting requirements of the Act at 11 C.F.R.

\$104.3(b)(3)(v), for the donor committee, and further specify that in-kind contributions are to be reported in an amount equal to the usual and normal value on the date received and that they should be reported as both contributions and expenditures by the recipient committee. See, 11 C.F.R. \$104.13. It is noted that the McCloskey Committee reported estimated costs for the in-kind contributions resulting from the above telephone bank on disclosure reports covering the periods during which they were operated, and thus the benefit received." (Brief, at p. 4).

The General Counsel is incorrect in treating contributions in-kind of this nature, as opposed to gifts of an item or the use of an item, as contributions for reporting purposes rather than expenditures. To the extent pertinent here, the Act defines "contribution" to include:

"Any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purposes of influencing any election for Federal office. . . ." (2 U.S.C. §431(8)(A)(i))

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The term "expenditure", to the extent pertinent here, is defined to include:

"Any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purposes of influencing any election for Federal Office . . ."

(2 U.S.C. §431(9) (A) (i))

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While these two definitions are obviously somewhat overlapping, and in-kind contributions of the nature here involved could arguably fall within either definition, it seems apparent that they more closely fit the definition of expenditure than they do the definition of contribution. These transactions gave nothing to the McCloskey campaign, either directly or indirectly. Rather, they involved payments to third parties from which the McCloskey campaign derived a benefit. As such, they are expenditures rather than contributions. As expenditures, there can be no question that these disbursements were reportable on the report covering the period during which the disbursement was actually made, and not before.

The distinction we make between actually giving a candidate an item or the use of an item, which we would concede is properly treated as a contribution, and the kind of transaction here involved, is supported by 11 C.F.R. §104.13. Contrary to the General Counsel's assertion, that provision does not contemplate reporting estimates of value, but rather the "usual and normal value" (§104.13 (a)) or "fair market value" (§104.13(b)). It is

apparent that these provisions contemplate something which can be given a value as of the time the report is filed, not something whose value can only be estimated, as is the case here.

Respondents submit that where, as here, the so-called "contribution in-kind" consists of payments to third parties for something which benefits the candidate, but where the candidate neither receives the item or service purchased or its use, the transaction must be treated as an expenditure rather than a contribution for reporting purposes.

Moreover, even if this type of expenditure is properly treated as a contribution, as the General Counsel contends, there is nothing in the Act, the Commission's Regulations, or even in the instructions on the reporting forms <sup>3/</sup> which suggests that reporting of estimates is required, or even permitted.

The next paragraph of the General Counsel's Brief following that quoted above stated as follows:

"The purpose of the reporting requirements of the Act is to promote the disclosure of financial activity as it impacts on Federal Elections. The periods immediately preceding a Federal election are especially crucial. It is mandated by this purpose that pertinent financial data be publicly

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<sup>3/</sup>

In fact, if a Committee reported an estimated expenditure before the disbursement actually was made, it would result in the reporting of a false figure for cash on hand at the close of the reporting period on Line 8 of FEC Form 3X.

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available at those time times when the influence of political committees on Federal elections is most imminent." (Brief at p.4, emphasis added).

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In response, respondents note that at the time the General Counsel contends these "transactions" should have been reported, they did not yet involve any "financial activity." We would agree that the period immediately preceding an election is especially important in this regard. However, the fact is that activities such as phone banks generally have their greatest impact when done during the two or three weeks preceding an election and pursuant to 2 U.S.C. §434 (a)(4)(ii)(iii), such activities would not be reported, even under the General Counsel's scheme, until the post election report which is filed 30 days after the date of the election. <sup>4/</sup> Thus, even using the General Counsel's theory as to when these expenditures were reportable, this information would not have been "publicly available at those times when the influence of political committees on Federal elections is most imminent" (Brief, at p.4).

Finally, we would submit that respondents have made their best efforts to comply with all of the Commission's reporting

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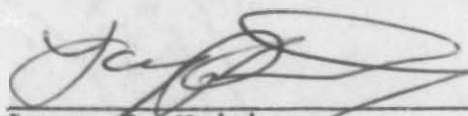
In fact, the expenditures in connection with the telephone banks here involved which were made contemporaneously with the operation of the phone banks (i.e. payments to those operating the telephones) were made during the 20 days immediately preceding the election and were not reportable until the post election report was filed. See Exhibit 11 to the affidavit of Girard P. Clark.

requirements. To our knowledge, the Commission has never required that this type of disbursement be reported in the manner which the General Counsel now contends is required. For this reason, to establish such a requirement in the context of an enforcement proceeding is contrary to §104.7(a) of the Commission's Regulations. If such a requirement is to be established, it should be done by rule making.

#### IV. CONCLUSION

For the foregoing reasons, there is no basis or a finding of probable cause in this matter and the case should be closed with no further action being taken by the Commission.

Respectfully submitted

  
Larry P. Weinberg

KIRSCHNER, WEINBERG & DEMPSEY  
1615 L Street, N.W.  
Suite 1360  
Washington, D.C. 20036  
(202) 775-5900

Counsel for Respondents

93040930502

November 25, 1987

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street NW  
Washington, D.C. 20463

Re: MUR 2285  
McCloskey for Congress and  
Betty Merriman, as treasurer

Dear Mr. Noble:

Enclosed is the conciliation agreement as proposed by the Commission signed by Betty Merriman, Treasurer, on behalf of the McCloskey for Congress Committee. In addition, I have enclosed a check for \$300 as agreed upon in paragraph VII. I would appreciate it if you would provide me with a signed copy of the agreement and receipt of payment of the civil penalty at your first opportunity.

If you have any questions, feel free to contact me. Thank you for your cooperation in this matter.

Sincerely,



Chris Sautter, Esq.  
Campaign Manager  
McCloskey for Congress

87 NOV 27 AM 10:00

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

McCloskey for Congress Committee

P.O. Box 70 • Bloomington, Indiana 47402

Paid for by McCloskey for Congress Committee



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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
McCloskey for Congress and )  
Betty Merriman, as treasurer )

MUR 2285

**SENSITIVE**

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Betty Merriman, the treasurer of the McCloskey for Congress Committee.

The attached agreement contains no changes from the agreement approved by the Commission on October 21, 1987. A check for the payment of the civil penalty of Three Hundred Dollars (\$300) has also been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with McCloskey for Congress and Betty Merriman, as treasurer.
2. Close the file in this matter as it pertains to McCloskey for Congress and Betty Merriman, as treasurer.
3. Approve the attached letter.

Date

12/4/87

  
Lawrence M. Noble  
General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Letter to Respondents

Staff person: Sandra H. Robinson

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

McCloskey for Congress and  
Betty Merriman, as treasurer

)  
)  
)  
)  
MUR 2285

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 9, 1987, the Commission decided by a vote of 6-0 to take the following actions in MUR 2285:

1. Accept the conciliation agreement with McCloskey for Congress and Betty Merriman, as treasurer, as recommended in the General Counsel's report signed December 4, 1987.
2. Close the file in this matter as it pertains to McCloskey for Congress and Betty Merriman, as treasurer, as recommended in the General Counsel's report signed December 4, 1987.
3. Approve the letter, as recommended in the General Counsel's report signed December 4, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

12-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in the Office of Commission Secretary: Fri., 12-4-87, 4:23  
Circulated on 48 hour tally basis: Mon., 12-7-87, 11:00  
Deadline for vote: Wed., 12-9-87, 11:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

11 December 1987

Chris Sautter, Esquire  
Campaign Manager  
McCloskey for Congress  
P.O. Box 70  
Bloomington, Indiana 47402

RE: MUR 2285  
McCloskey for Congress and  
Betty Merriman, as treasurer

Dear Mr. Sautter:

On December 9, 1987, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on behalf of McCloskey for Congress and Betty Merriman, as treasurer, in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to McCloskey for Congress and Betty Merriman, as treasurer. This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

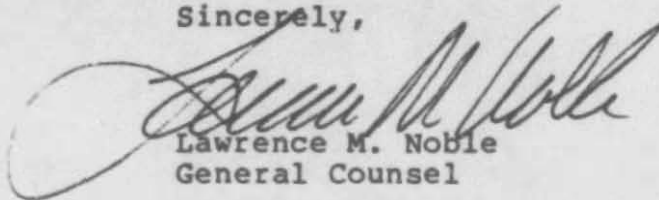
The Commission reminds you that the confidentiality provision of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

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Letter to Chris Sautter, Esquire  
Page 2

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Sandra H. Robinson, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lawrence M. Noble", is written over the typed name and title.

Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
McCloskey for Congress and ) MUR 2285  
Betty Merriman, as treasurer )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Bernard Black-Schaffer. The Federal Election Commission ("the Commission") found no reason to believe that McCloskey for Congress and Betty Merriman, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f) by accepting excessive contributions from two political committees, and found reason to believe Respondents violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

1. Respondent, McCloskey for Congress, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, Betty Merriman, has been serving as treasurer of McCloskey for Congress from April 1984 through the present. From early 1982 until April 1984, Karyn N. Smith served as treasurer for McCloskey for Congress.

3. Respondents received an in-kind contribution of \$4,314.92 from the American Federation of State, County and Municipal Employees-P.E.O.P.L.E., Qualified ("AFSCME") on or about September 30, 1982. Respondents reported the amount of \$5,000 for this in-kind contribution on its 1982 October Quarterly Report. Respondents stated that they did not receive a letter of notification dated June 9, 1983, from AFSCME affirming the correct amount of this in-kind contribution; instead, Respondents contended that they learned of the correct amount in November 1986. The Report was amended on May 11, 1987, to disclose the correct value of the in-kind contribution.

4. Respondents reported an incorrect date and amount of a \$250 in-kind contribution from AFSCME on its 1983 Mid-Year Report. The Report was amended on December 10, 1986, to disclose the correct amount. The Report was amended on September 4, 1987, to disclose the correct date.

5. Respondents were notified in January 1985 of an in-kind contribution valued at \$1,362.81 from AFSCME, resulting from telephone banks in operation immediately prior to the 1984

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general election. Respondents failed to report this contribution in a timely manner. Respondents amended the 1984 Post General Election Report on December 4, 1986, to disclose this contribution.

6. Respondents contend that the reporting errors described herein were inadvertent and unintentional, and that they did not knowing and willfully violate the Federal Election Campaign Act of 1971, as amended.

V. Respondents failed to report certain in-kind contributions from AFSCME accurately or in a timely manner, in violation of 2 U.S.C. § 434(b).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Three Hundred Dollars (\$300), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

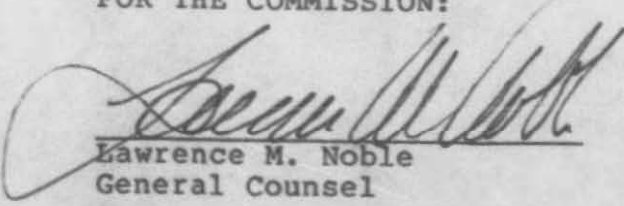
IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and

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implement the requirement contained in this agreement and to so notify the Commission.

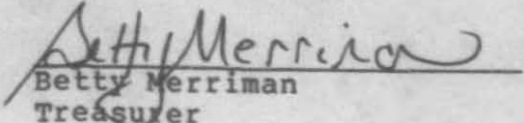
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

  
Lawrence M. Noble  
General Counsel

Date

12/11/87

  
Betty Merriman  
Treasurer

Date

11-20-87

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BEFORE THE FEDERAL ELECTION COMMISSION

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SECRETARIAT

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In the Matter of )  
 )  
American Federation of State, )  
County and Municipal Employees - )  
P.E.O.P.L.E., Qualified and )  
William Lucy, as treasurer )

MUR 2285

EXECUTIVE SESSION  
MAR 01 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter arose as an external complaint filed by Bernard Black-Schaffer, through counsel, on October 31, 1986. On February 18, 1987, the Commission found reason to believe the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer (Respondents), violated 2 U.S.C. § 434(b), by failing to report certain in-kind contributions made prior to the 1982 and 1984 general elections in a timely manner.

The in-kind contributions in question were due to telephone banks conducted by Respondents for the benefit of the Francis McCloskey campaigns. Telephone banks were conducted prior to the 1982 general election, and the costs for this service were reported on Respondents' 1982 Year End Report and their 1983 April Monthly Report. Telephone banks were also conducted prior to the 1984 general election and the costs for this service were disclosed on Respondents' 1985 January Monthly Report.

On September 3, 1987, the Office of the General Counsel mailed its Brief to Respondents. The Brief included a recommendation of a finding of probable cause to believe that Respondents violated 2 U.S.C. § 434(b). On September 21, 1987, this Office received Respondents' Brief, which concluded that

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there is no basis for a probable cause to believe finding and this matter should be closed.

## II. ANALYSIS

The Office of the General Counsel relies primarily on its legal analysis put forth in the General Counsel's Brief of September 3, 1987. However, additional discussion of certain points found in the Respondents' Brief is deemed necessary for clarification.

Respondents would have the Commission adopt a narrow definition of the term disbursements which would be limited to "money paid out." Using such a definition, the Commission's regulations which require the reporting of disbursements would only be concerned with the actual payment or disbursing of money. See, Respondent's Brief, page 6. The Commission is not limited by the everyday usage of the term disbursement and has, in fact, defined for its own purposes the types of activity considered inclusive in that term. Section 104.3(b)(1) of the regulations enumerates the categories of disbursements, for other than authorized committees, which must be reported to the Commission. "Expenditures" and "contributions" are listed as separate items, distinguishing them among the types of activity considered by the Commission to be within the term disbursement. It is clear that the Commission has always considered both contributions and expenditures as different types of disbursements, for reporting purposes.

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As noted by Respondents, the Federal Election Campaign Act of 1971, as amended ("the Act"), does have similar definitions for the terms contribution and expenditure, and both include "anything of value made by any person for the purpose of influencing any election for Federal Office." See, 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A)(i). Commission regulations further specify that the term "anything of value" includes all in-kind contributions. See 11 C.F.R. §§ 100.7(a)(1)(iii)(A) and 100.8(a)(1)(iv)(A). Respondents would have the Commission treat the in-kind contributions in this instance, where telephone banks are involved, as expenditures and not contributions, since "[t]hese transactions gave nothing to the McCloskey campaign, either directly or indirectly. Rather, they involved payments to third parties from which the McCloskey campaign derived a benefit. As such, they are expenditures rather than contributions." See, Respondent's Brief, page 9. While stating that they gave nothing "directly or indirectly" to the McCloskey campaign and focusing primarily on the actual payments to the vendors as the "so called 'contribution in-kind'" (Respondents' Brief, page 10), Respondents have also stated that the McCloskey campaign "derived a benefit." The very nature of an in-kind contribution would include such a "benefit" given to the McCloskey campaign as a result of the telephone banks, each admittedly conducted to influence the outcome of the Federal elections in which McCloskey was a candidate. "In-kind" as

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defined in Black's Law Dictionary, 5th Edition, means "[o]f the same species or category. In the same kind, class, or genus." Thus, the actual disbursement of money directly to the McCloskey campaign is not the only method by which a contribution could have been made. The services provided on behalf of the McCloskey campaign from which it derived a benefit is of the same species or category as a contribution, i.e., anything of value, as defined by the Commission.

The Commission has further stated that the provision of any goods or services without charge is a contribution. See, 11 C.F.R. § 100.7(a)(1)(iii). In this matter, the service provided was the calls through the telephone banks to the general public designed to generate support for the McCloskey campaigns, which costs were paid for by Respondents. While Respondents had a duty to report the actual payments to the vendors connected with the telephone banks, they also were required to report the telephone bank activity as in-kind contributions at the time and during the reporting period in which the telephone banks were conducted. 2 U.S.C. § 434(b) and 11 C.F.R. § 104.3(b).

Respondents stated that this Office's position on the reporting requirement for in-kind contributions involving telephone banks is new, and cites MUR 1530 in support of this statement. It is noted that in MUR 1530 the respondent was the American Federation of State, County and Municipal Employees, a labor union, and the connected organization for Respondents in

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this matter pursuant to 2 U.S.C. § 431(7). MUR 1530 involved the payment by the labor union of costs for the operation of telephone banks which sought to influence Federal elections in 1980 and a special Federal election in 1981. The separate segregated fund (Respondents here) eventually reimbursed the union for these costs. The Commission found reason to believe that a violation of 2 U.S.C. § 441b had occurred and subsequently entered into a pre-probable cause conciliation agreement with the union. The question of the timely reporting of in-kind contributions was not raised in MUR 1530, presumably because, according to the facts in that matter, they were explicitly prohibited by the Act regardless of the circumstances, and the labor union had no duty to report any of its activity to the Commission. The reimbursements were reported by the separate segregated fund on its disclosure reports, but the nature of the disbursements were clearly different in that instance. The union had made an illegal contribution by paying for the telephone banks and the separate segregated fund had not initially sponsored the telephone banks itself. See, MUR 1530 - First General Counsel's Report, dated April 25, 1983.

This Office suggested in its Brief that, in the specific circumstances of this matter, an estimate of the amount of the in-kind contributions would be allowable for reporting purposes, requiring the timely filing of appropriate amendments when the actual costs are ascertained. It should be noted that co-



respondents in this matter the McCloskey for Congress Committee and Betty Merriman, as treasurer, reported an estimated value of the in-kind contribution received as a result of the 1982 telephone banks, in the report covering the period when they were conducted. The Commission's concern as to these respondents was that they failed to amend their report in a timely manner after the actual costs were determined.<sup>1/</sup>

This Office recommends that the Commission find probable cause to believe the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b).

### III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

---

<sup>1/</sup> This matter was closed as it pertains to these respondents following the completion of a pre-probable cause conciliation agreement with the Commission on December 9, 1987. The agreement also addressed the issues of untimely filing of disclosure reports and the inaccuracy of certain information disclosed.

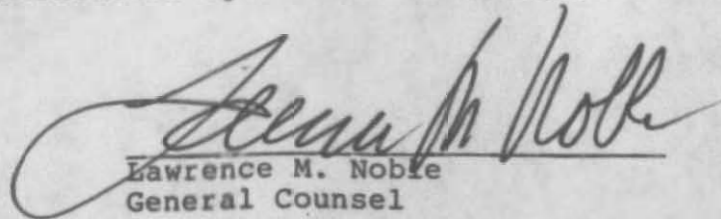
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#### IV. RECOMMENDATIONS

1. Find probable cause to believe the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b).
2. Approve the attached conciliation agreement and letter.

2/17/88  
Date \_\_\_\_\_

  
Lawrence M. Noble  
General Counsel

#### Attachments

1. Proposed Conciliation Agreement
2. Letter
3. Respondents' Brief

Staff Person: Sandra H. Robinson

93040930519

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
American Federation of State, )  
County and Municipal Employees - ) MUR 2285  
P.E.O.P.L.E., Qualified and )  
William Lucy, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of March 1, 1988, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2285:

1. Find probable cause to believe the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b).
2. Approve the conciliation agreement and letter attached to the General Counsel's report dated February 17, 1988,

Commissioners Aikens, Elliott, Josefiak, McDonald, and McGarry voted affirmatively for the decision; Commissioner Thomas dissented.

Attest:

3/2/88

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 4, 1988

Larry P. Weinberg, Esquire  
Kirschner, Weinberg & Dempsey  
1615 L Street, N.W., Suite 1360  
Washington, D.C. 20036

RE: MUR 2285  
American Federation of State,  
County and Municipal Employees  
- P.E.O.P.L.E., Qualified and  
William Lucy, as treasurer

Dear Mr. Weinberg:

On March 1, 1988, the Federal Election Commission found that there is probable cause to believe your clients, the American Federation of State, County and Municipal Employees-P.E.O.P.L.E., Qualified and William Lucy, as treasurer, violated 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with the untimely reporting of certain in-kind contributions made prior to the 1982 and 1984 general elections.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within 10 days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation

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Letter to Larry P. Weinberg  
Page 2

agreement, please contact Sandra H. Robinson, the attorney  
assigned to this matter, at (202) 376-8200.

Sincerely,

*Lawrence M. Noble* (LH)  
Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 30, 1988

Larry P. Weinberg, Esq.  
Kirschner, Weinberg & Dempsey  
1615 L Street, N.W., Suite 1360  
Washington, D.C. 20036

RE: MUR 2285  
American Federation  
of State, County and  
Municipal Employees -  
P.E.O.P.L.E.,  
Qualified and William  
Lucy, as treasurer

Dear Mr. Weinberg:

This letter is to confirm the Federal Election Commission's receipt of the counter-proposed conciliation agreement submitted on behalf of your clients, the American Federation of State, County and Municipal Employees - P.E.O.P.L.E., Qualified and William Lucy, as treasurer. The Commission has reviewed and rejected the counterproposal.

You were previously notified that in the absence of your clients' acceptance of the proposed conciliation agreement forwarded to you on August 11, 1988, the Commission had authorized the Office of the General Counsel to institute a civil suit in the U.S. District Court. Therefore, this matter will proceed to such stage.

Should you have any questions, or should you wish to settle this matter prior to suit, please contact Ivan Rivera, Assistant General Counsel, at (202) 376-8200, within five days of your receipt of this letter.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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FEDERAL ELECTION COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
AMERICAN FEDERATION OF STATE, )  
COUNTY AND MUNICIPAL )  
EMPLOYEES-P.E.O.P.L.E. )  
QUALIFIED, et al., )  
 )  
Defendants. )

Civil Action No. 88-3208  
(RCL)

FILED

OCT 31 1991

Clerk, U.S. District Court  
District of Columbia

FINAL JUDGMENT

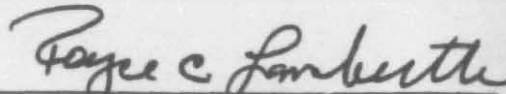
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DISTRICT OF COLUMBIA

For the reasons stated in the accompanying memorandum opinion, it is hereby ORDERED and DECLARED that defendants have violated 2 U.S.C. § 434(b)(4), as alleged in plaintiff's complaint, and defendants are hereby ORDERED to pay to the Treasurer of the United States, within 30 days after entry of this order, a civil penalty in the amount of \$2,000.

The Clerk shall enter final judgment in accordance with the foregoing. This case shall stand closed on the dockets of this court.

SO ORDERED.

  
Royce C. Lamberth  
United States District Judge

DATE: OCT 31 1991

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FEDERAL ELECTION COMMISSION, )  
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Plaintiff, )  
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v. )  
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AMERICAN FEDERATION OF STATE, )  
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EMPLOYEES-P.E.O.P.L.E. )  
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**FILED**

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Clerk, U.S. District Court  
District of Columbia

MEMORANDUM OPINION

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This case came before the court on cross-motions for summary judgment and the court determined, for reasons set forth in its Memorandum Opinion and Order dated July 10, 1990, that plaintiff's motion would be granted and defendants' motion would be denied. In response to the court's request, the plaintiff submitted a proposed relief order on July 24, 1990. Plaintiff's proposed order sought declaratory relief stating that the defendants had violated 2 U.S.C. § 434(b)(4), an injunction against further violations of that provision, and a civil penalty in the amount of \$10,000. It is to this proposed order that the court now turns.

I. Declaratory Relief

The defendants do not object to the issuance of declaratory relief and thus such relief shall be granted in the accompanying final judgment.

II. Injunctive Relief

This court has the power to grant permanent injunctive relief

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for violations of the Federal Election Campaign Act ("FECA") under 2 U.S.C. § 437g(a)(6)(B).<sup>1</sup> An injunction is appropriate if "there is a reasonable likelihood that the wrong will be repeated." SEC v. Manor Nursing Centers, Inc., 458 F.2d 1082, 1100 (2nd Cir. 1972). Other factors that may influence the issuance of an injunction are bad faith by defendant and their diligence in curing the violation, the complexity involved in interpreting the statute violated, and the public's interest in insuring better compliance. See Hecht Co. v. Bowles, 321 U.S. 321 (1944); FEC v. Committee for a Constitutional Presidency -- McCarthy '76, 2 Fed. Election Camp. Fin. Guide (CCH) ¶ 9074 (D.D.C. 1979).

The court finds in this case no evidence of bad faith on the part of the defendants. Defendants cured their violation once they understood the proper interpretation of the regulations and have complied with the FEC's interpretation both prior to and subsequent to this court's determination on the merits. See Lucy 2nd Aff. ¶¶ 2 - 4. While the court notes that FECA is not always susceptible to easy interpretation, the particular interpretation sought by defendants was contrary to the plain language of the statute. Thus, the second factor of the Bowles calculus weighs against the defendants. Nonetheless, the court does not find that the public interest will be substantially advanced by an injunction. Defendants have shown no sign of violating the statute again and an injunction, particularly one as broad as that suggested by the

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<sup>1</sup>"In any civil action instituted by the Commission under subparagraph (A), the Court may grant a permanent or temporary injunction, restraining order, or other order . . ." 2 U.S.C. § 437g(a)(6)(B) (1988).

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FEC, would appear to serve little purpose. In addition, the court must be cautious in "granting injunctive relief which is unnecessary to further the purposes of the Act" because of the substantial first amendment considerations involved with federal election campaigns. FEC v. Furgatch, 869 F.2d 1256, 1262 (9th Cir. 1989).

After balancing the above-mentioned considerations, this court finds that an injunction is inappropriate in this case because there has been no showing of a reasonable likelihood that the defendants will commit future violations of FECA. As such, the court will not order any injunctive relief, either temporary or permanent.

### III. Civil Penalties

The court also may in its discretion assess civil penalties which do "not exceed the greater of \$5,000 or an amount equal to any contribution or expenditure involved in such violation. . ."  
2 U.S.C. § 437g(a)(6)(B) (1988); see also FEC v. Ted Haley Congressional Comm., 852 F.2d 1111, 1116 (9th Cir. 1988) (stating that the "assessment of civil penalties is discretionary"). Factors to consider in imposing civil penalties include defendants' bad faith, the injury to the public, defendants' ability to pay, and the need to vindicate the FEC's authority. See Furgatch, 869 F.2d at 1258.

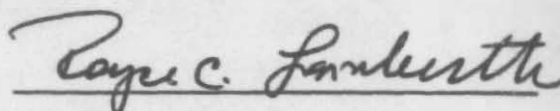
While this court finds no bad faith and has no evidence concerning the defendants' ability to pay, there is always harm to the public when FECA is violated. Although, as defendants argue,

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the information which was not timely reported might not have been available to the public before the election even if they had complied, there is a danger in permitting anyone to violate the plain language of the statute with impunity. While this court has found no reason to suspect that the defendants will violate 2 U.S.C. § 434(b)(4) again, such a finding does not mean that defendants should not pay some penalty for their past violation. In weighing the factors discussed above, the court finds that the maximum penalty of \$5,000 for each of the two violations is not appropriate here, but that defendants shall pay a civil penalty of \$2,000 (\$1,000 for each violation) because the public's interest will be served by punishing a violation of the plain language of the statute.

#### IV. Conclusion

For the foregoing reasons, final judgment granting declaratory relief and a civil penalty in the amount of \$2,000 shall be entered in a separate order filed on this date.



Royce C. Lamberth

United States District Judge

DATE: OCT 31 1981





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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