



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 455 (77)

78040043727



FEDERAL ELECTION COMMISSION

Two reports not voted on by the
Commission
Internal memorandums

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Suzanne M Callahan
date 1 May 1978



FEDERAL ELECTION COMMISSION

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

April 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald Eastman, Esquire
Suite 1000
1660 L Street, N.W.
Washington, D.C. 20036

Re: - MUR 455(77)

Dear Mr. Eastman:

On April 27, 1978, the Commission voted to accept the conciliation agreement which your client, Sandra Adams, signed.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanne Callahan (202-523-4058), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald Eastman, Esquire
Suite 1900
1660 L Street, N.W.
Washington, D.C. 20036

Re: MUR 455(77)

Dear Mr. Eastman:

On April 1, 1978, the Commission voted to accept the conciliation agreement which your client, Sandra Adams, signed.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanne Callahan (202-523-4059), the staff member assigned to this matter.

Sincerely yours,

William C. Ollaker
General Counsel

W.C. Ollaker
4/27/78

78040043730

BEFORE THE FEDERAL ELECTION COMMISSION

March , 1978

801933

In the Matter of)
)
) MUR 455 (77)
Costanza for Congress)
Finance Committee)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434(a)(1)(C) by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

78040043731

B. That the Committee filed its second quarter 1977 report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action is failing to file its second quarter 1977 report on July 10, 1977 was in violation of 2 U.S.C. §434(a)(1)(C).

II. That it will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. It did file its year end 1977 report in a timely fashion.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

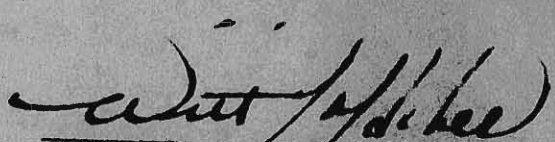
III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

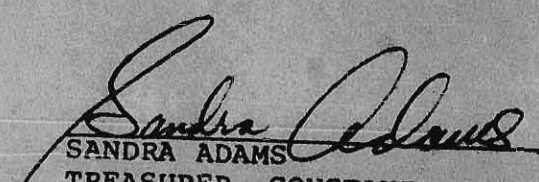
78040043732

implement and comply with the requirements contained herein,
or so notify the Commission.

DATE

4/18/78


WILLIAM C. OLDAKER
GENERAL COUNSEL


SANDRA ADAMS
TREASURER, CONSTANZA FOR CONGRESS
FINANCE COMMITTEE

78040043733

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 27, 1978, the Commission determined by a vote of 6-0 to approve the conciliation agreement in the above-captioned matter submitted by the General Counsel with his memorandum dated April 24, 1978.

Date:

4-27-78

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 4-24-78, 11:10
Circulated on 72 hour vote basis: 4-24-78, 1:30

78040043734

April 24, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 455

Please have the attached conciliation agreement in
MUR 455 distributed to the Commission on a 72 hour
vote (tally sheet) begins.

Thankyou.

78040043735



FEDERAL ELECTION COMMISSION

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

April 24, 1978

MEMORANDUM TO: The Commission
FROM: William C. Oldaker *WCO*
SUBJECT: MUR 455(77) Conciliation Agreement

Attached is a conciliation agreement which has been signed by Sandra Adams, treasurer of the Committee for Congress Finance Committee.

The attached agreement includes all the provisions which the Commission determined should be included.

The Office of General Counsel recommends the acceptance of this agreement.



70040043736

BEFORE THE FEDERAL ELECTION COMMISSION

March , 1978

801933

In the Matter of)

)

)

MUR 455 (77)

Costanza for Congress)

Finance Committee)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434(a)(1)(C) by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

78040043737

B. That the Committee filed its second quarter 1977 report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action is failing to file its second quarter 1977 report on July 10, 1977 was in violation of 2 U.S.C. §434(a)(1)(C).

II. That it will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. It did file its year end 1977 report in a timely fashion.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

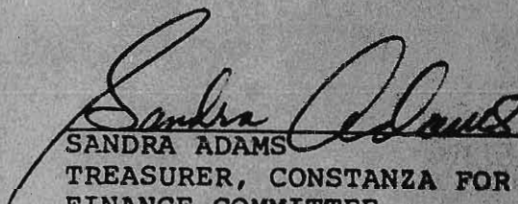
III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043738

implement and comply with the requirements contained herein,
or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL



SANDRA ADAMS
TREASURER, CONSTANZA FOR CONGRESS
FINANCE COMMITTEE

78040043739



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED —

Ronald Eastman, Esquire
Suite 1000
1660 L Street, N.W.
Washington, D.C. 20036

Re: MUR 455(77)

Dear Mr. Eastman:

On April , 1978, the Commission voted to accept the conciliation agreement which your client, Sandra Adams, signed.

Accordingly, upon my recommendation, the Commission has decided to close the file in this matter.

If you have any questions, please contact Suzanna Callahan (202-523-4058), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Costanza for Congress Finance Committee) MUR 455(77)

Certification

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April , 1978, the Commission determined by a vote of to approve the conciliation agreement submitted by the General Counsel in the above-captioned matter.

Voting for this determination were Commissioner,

Marjorie W. Emmons
Secretary to the Commission

78040043741

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

FEDERAL ELECTION
COMMISSION

78 APR 19 P4:12

Suzanne Callaghan
Federal Election Commission
1325 K Street, N.W.

HAND DELIVERED

Callahan MUF 45

1. SERVICE: (Consult pages 1, 2, and 3.)
Add your address in the "RETURN TO" space.

The following service is requested (check one):

☒ Show to whom and date delivered.

☐ Show to whom, date, and address of delivery.

☐ RESTRICTED DELIVERY
Show to whom and date delivered.

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

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE REFERRED TO:

Eastman
Suite 1000
4th L at NW
Wash DC 20036

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

193383

(Attach article signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

P. Hunt

DATE OF DELIVERY
7/21/78

4. ADDITIONAL COMMENTS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

POST OFFICE
BOSTON
MA 02108



FEDERAL ELECTION COMMISSION

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

March 29, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ronald Eastman, Esquire
Suite 1000
1660 L Street, N.W.
Washington, D.C. 20036

Re: MUR 455 (77)

Dear Mr. Eastman:

This is to confirm the telephone conversation you had with Hal Ponder notifying you that on March 23, 1978, the Commission voted not to accept your proposed conciliation agreement submitted February 22, 1978. As indicated to you during that conversation, the Commission has determined that a civil penalty of not less than \$500 should be made part of the agreement.

Enclosed is a conciliation agreement which reflects the Commission's March 23rd decision which you indicated your client would sign.

Please return the enclosed agreement to the Commission within ten days of your receipt of it.

If you have any questions, please direct them to Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker
General Counsel



BEFORE THE FEDERAL ELECTION COMMISSION

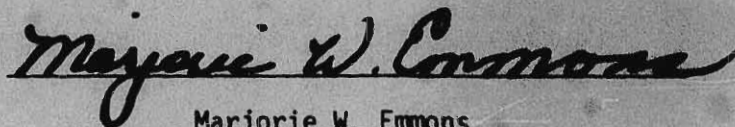
In the Matter of)
Costanza for Congress Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 23, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 4-2 to instruct the Office of the General Counsel that the respondent's proposal to pay a civil penalty of \$300 in the above-captioned matter was unacceptable, and that a civil penalty of \$500 be set as the civil penalty.

Voting for this determination were Commissioners Aikens, Springer, Thomson, and Tiernan. Commissioners Harris and Staebler cast the dissenting votes.



Marjorie W. Emmons
Secretary to the Commission

March 24, 1978

78040043745

BEFORE THE FEDERAL ELECTION COMMISSION

March , 1978

In the Matter of)

)

)

MUR 455 (77)

Costanza for Congress)

)

Finance Committee)

)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434(a)(1)(C) by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

78040043746

B. That the Committee filed its second quarter 1977 report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action is failing to file its second quarter 1977 report on July 10, 1977 was in violation of 2 U.S.C. §434(a)(1)(C).

II. That it will pay a civil penalty in the amount of \$500 pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. It did file its year end 1977 report in a timely fashion.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043747

implement and comply with the requirements contained herein,
or so notify the Commission.

DATE _____

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CONSTANZA FOR CONGRESS
FINANCE COMMITTEE

78040043743

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Costanza for Congress Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Wendy McGhee Graham, Recording Secretary of the Meeting,
do hereby certify that on March 15, 1977, the Commission voted 5-0
to reconsider the above-captioned matter at the Commission Meeting
of Thursday, March 23, 1978, before the full Commission.

Wendy McGhee Graham

Wendy McGhee Graham
Recording Secretary of the Meeting

Wendy McGhee Graham
for Marjorie W. Emmons
Secretary to the Commission

Date: March 17, 1978

78040043749

BEFORE THE FEDERAL ELECTION COMMISSION
March 3, 1978

In the Matter of)

) MUR 455 (77)

)
) Costanza for Congress Finance Committee)

GENERAL COUNSEL'S REPORT

ALLEGATION

On December 1, 1977, the Commission found reasonable cause to believe that the Costanza for Congress Finance Committee violated 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report in a timely fashion.

BACKGROUND

Counsel for the respondent submitted revised draft conciliation agreements on January 6 and 14, 1978. On January 18, 1978, the Commission voted not to accept the conciliation agreement submitted by the respondent on January 14th and voted that certain provisions should be included in the agreement. The latest draft conciliation agreement submitted by the respondent on February 22nd includes those provisions with the exception of the civil penalty; the Commission proposed a penalty of \$500, the respondent proposes a penalty of \$300.


Counsel for the respondent has requested that his latest proposal and written arguments be presented to the Commission for its consideration. (attached)

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RECOMMENDATION

It is recommended that the Commission approve the attached conciliation agreement and so notify the respondent.

3/3/78
Date


William C. Oldaker
General Counsel

78040043751

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

In the Matter of)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CONCILIATION AGREEMENT

780400043752
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434(a)(1)(C) by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

B. That the Committee filed its second quarter 1977 report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action in failing to file its second quarter 1977 report on July 10, 1977 was in violation of 2 U.S.C. §434 (a) (1) (C).

II. That it will pay a civil penalty in the amount of \$300 pursuant to 2 U.S.C. §437g(a) (6) (B) (i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. It did file its year end 1977 report in a timely fashion.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043753

implement and comply with the requirements contained herein, or
so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, COSTANZA FOR CONGRESS
FINANCE COMMITTEE

78040043754

200 2797
NRV

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

CABLE ADDRESS

VERLIP

(202) 452-7400

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
JOHN L. RICHARDSON
RONALD D. EASTMAN
MARK J. ANDREWS
HENRY GOLDBERG
FRITZ R. KAHN
STUART F. PIERSON
MICHAEL F. GOLDMAN
HOWELL E. BEGLE, JR.

JOHN A. MERRIGAN
THOMAS E. ACEY, JR.
JOSEPH L. MANSON, III
ROBERT R. BRINKER
LYNDA S. MOUNTS
RUSSELL F. POMMER
JEFFREY D. KOMAROW
THOMAS J. KELLER
BARBARA DAVIS
ANN K. M. SIMON
VICTOR S. ELGORT
RICHARD L. CYS
WILLIAM C. MCFADDEN

BERNITT RUNLEN
WHITNEY GILLILAND
OF COUNSEL

February 22, 1978

PERSONAL AND CONFIDENTIAL

Mr. Lester Scall
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Callahan

Re: MUR 455 (77)

Dear Mr. Scall:

I am enclosing another proposed conciliation agreement on behalf of the Costanza for Congress Committee. In order to put the proposal in perspective, let me make a few observations.

As I understand the Federal Election Commission's finding, the only potential violation involved is the Costanza for Congress Committee's failure to file its second quarter 1977 report on July 10, 1977. The Commission has made no other findings of reasonable cause and, to the best of my knowledge, there are no other potential violations by the Costanza Committee. As I have told you several times, the Committee acknowledges the lateness of its second quarter, 1977, filing; seriously regrets it; and is prepared to incur appropriate sanctions for such a violation. It has also taken steps to insure that there will be no late filings in the future.

The Committee also wants to take steps to resolve this matter through conciliation if possible. The enclosed draft adopts most of the disputed provisions suggested originally by the Commission, even though several are unprecedentedly harsh for this type of case. The Committee is willing to pay a civil penalty, even though none has ever been levied for a late filing before. The proposal includes a "concession" of violation clause even though other federal agencies which use either conciliation or other "consent agreement" type procedures normally do not require similar language. The proposal also

78040043755

Mr. Lester Scall
February 22, 1978
Page 2

includes a pledge to comply with the Act, even though such restatements of one's legal obligations are redundant and can result in unintended and, sometimes, unfortunate complications.

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The proposed \$300 civil penalty exceeds by far any agreed to in comparable cases. Our review of all of the conciliation agreements approved by the Commission to date shows that none deals with the late filing of a post election report prior to litigation. Since there have been other late filings by candidates and committees, it is apparent that most, if not all, such situations have been handled informally, without requiring any civil penalty or even a conciliation agreement. Of the forty-four conciliation agreements that have been approved, seventeen have involved no civil penalty at all. Penalties of more than \$50 to \$100 have been uncommon and apparently reserved for much more severe violations than late filing of a post election report. Seventy percent of all conciliation agreements have involved penalties of \$100 or less, including those with no penalty. (Appendix A)

Only five agreements have involved penalties of \$500 or more. Three involved respondents who made contributions to the Shapp for President Committee in the names of other persons in an apparent attempt to secure matching fund qualification for a Presidential campaign. The agreements contain civil penalties of \$4,000, \$750 and \$500, all in MUR 256-1 (76). The fourth involved the illegal use of corporate funds, MUR 200 (76) and MUR 213 (76), and the fifth involved a group which exceeded the Act's contribution limitations, MUR 403 (77). A late filing of a post election report, while violative, is not nearly the incursion on the policies and purposes of the Act as those covered by these agreements. This is particularly so because the election involved in this case took place almost three years prior to the due date for the filing and before the Commission existed.

All of the agreements without penalty also involved violations generally more severe than late filing of a post election report. Several without penalties involved violations considerably more severe. These include the failure to report that several committees supporting a single candidate were affiliated [MUR 202 (76)]; the failure to file a statement of organization and a post primary report [MUR 223 (76)]; and the failure to file several major reports, while forcing the Commission to litigate [MUR 311 (76)] (discussed below).

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

I would also ask that you review the consent order in Federal Election Commission v. Billy E. Dorsey, Civil Action No. 77-MO306S in the Federal District Court for the Northern District of Alabama. There the Commission alleged that Dorsey, formerly a candidate for Congress, failed and neglected: (1) to designate a principal campaign committee in violation of 2 U.S.C. 432(e)(1); (2) to file a 30 day post election report of receipts and expenditures in a timely fashion; and (3) to file a year end report on January 31, 1977, as required. The consent order explicitly states that Dorsey had received all notices the Commission sent him regarding his obligations as a candidate for Federal office. Even though the matter was forced to litigation, there is no civil penalty in the decree. The Costanza Committee's alleged violation is far less severe.

During our conversations you have alluded to the Commission's references to Ms. Costanza's current position. That seems to us to be a consideration that lies outside the Act. Further, it is not a matter of treating winners more harshly than losers; even if that were lawful. Ms. Costanza lost the election.

Further, two existing agreements without penalties involve elected officials or their principle campaign committees. In MUR 002 (75), the Commission alleged that Congressman Jerry Litton failed to report certain expenditures for his campaign for the United States Senate. Congressman Litton paid no civil penalty and made no admission of a violation of the Act. The President Ford Committee in MUR 190 (76) and 198 (76) allegedly provided too little compensation to the U.S. Treasury for trips taken by several cabinet officers. Yet the conciliation agreement has no penalty and disclaims any finding or admission of a violation.

In sum, the Committee has gone far beyond the type of agreement it believes is appropriate in this proceeding in order to try to resolve the matter through conciliation. If the Commission accepts the proposal, it will stand as a more burdensome agreement than heretofore required for comparable cases. Yet, the Committee has felt strongly that it should accept an agreement in order to demonstrate that it is being treated no more favorably than others, despite the fact that no other late filing committee in similar circumstances has been forced to conciliation. On the other hand, the Committee believes that at some point, acceptance of harsher treatment--aside from its basic unfairness could be misunderstood by the public. The inference

VERNER, LIPPERT, BERNHARD AND MCPHERSON

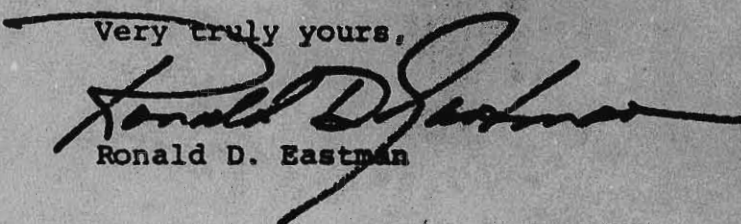
78040043757

Mr. Lester Scall
February 22, 1978
Page 4

arises that a more serious violation was involved. In an area where First Amendment values are frequently at stake, the need for evenhanded administration of enforcement authority becomes even greater than usual. The Committee knows that the Commission recognizes this and trusts that it will consider this proposal in that light.

I would like to discuss this proceeding with you at your earliest convenience.

Very truly yours,


Ronald D. Eastman

RDE/ss

enclosure

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

78040043758

Appendix A

RECAP OF FEC
CONCILIATION AGREEMENTS
AND CIVIL PENALTIES

<u>Amount of Civil Penalty</u>	<u>Number of Conciliation Agreements</u>	<u>Cumulative Percent of Total</u>
\$ 0	17	39 %
25	4	48
50	6	61
100	4	70
120	1	73
150	1	75
200	1	77
250	4	86
350	1	88
500	3	89
750	1	95
4,000	<u>1</u>	100
Total	44	

78040043759

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
JOHN L. RICHARDSON
RONALD D. EASTMAN
MARK J. ANDREWS
HENRY GOLDBERG
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STUART F. PIERSON
MICHAEL F. GOLDMAN
HOWELL E. BEGLE, JR.

SUITE 1000
1660 L STREET, N. W.
WASHINGTON, D. C. 20036

CABLE ADDRESS
VERLIP

(202) 452-7400

JOHN A. MERRIGAN
THOMAS E. ACEY, JR.
JOSEPH L. MANSON, III
ROBERT R. BRINKER
LYNDA S. MOUNTS
RUSSELL E. POMMER
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THOMAS J. KELLER
BARBARA DAVIS
ANN K. H. SIMON
VICTOR S. ELGORT
RICHARD L. CYS
WILLIAM C. MCFADDEN

MERRITT RUHLEN
WHITNEY GILLILLAND
OF COUNSEL

February 22, 1978

PERSONAL AND CONFIDENTIAL

Mr. Lester Scall
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 455 (77)

Dear Mr. Scall:

I am enclosing another proposed conciliation agreement on behalf of the Costanza for Congress Committee. In order to put the proposal in perspective, let me make a few observations.

As I understand the Federal Election Commission's finding, the only potential violation involved is the Costanza for Congress Committee's failure to file its second quarter 1977 report on July 10, 1977. The Commission has made no other findings of reasonable cause and, to the best of my knowledge, there are no other potential violations by the Costanza Committee. As I have told you several times, the Committee acknowledges the lateness of its second quarter, 1977, filing; seriously regrets it; and is prepared to incur appropriate sanctions for such a violation. It has also taken steps to insure that there will be no late filings in the future.

The Committee also wants to take steps to resolve this matter through conciliation if possible. The enclosed draft adopts most of the disputed provisions suggested originally by the Commission, even though several are unprecedentedly harsh for this type of case. The Committee is willing to pay a civil penalty, even though none has ever been levied for a late filing before. The proposal includes a "concession" of violation clause even though other federal agencies which use either conciliation or other "consent agreement" type procedures normally do not require similar language. The proposal also

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NRN

Mr. Lester Scall
February 22, 1978
Page 2

includes a pledge to comply with the Act, even though such restatements of one's legal obligations are redundant and can result in unintended and, sometimes, unfortunate complications.

78040043761
The proposed \$300 civil penalty exceeds by far any agreed to in comparable cases. Our review of all of the conciliation agreements approved by the Commission to date shows that none deals with the late filing of a post election report prior to litigation. Since there have been other late filings by candidates and committees, it is apparent that most, if not all, such situations have been handled informally, without requiring any civil penalty or even a conciliation agreement. Of the forty-four conciliation agreements that have been approved, seventeen have involved no civil penalty at all. Penalties of more than \$50 to \$100 have been uncommon and apparently reserved for much more severe violations than late filing of a post election report. Seventy percent of all conciliation agreements have involved penalties of \$100 or less, including those with no penalty. (Appendix A)

Only five agreements have involved penalties of \$500 or more. Three involved respondents who made contributions to the Shapp for President Committee in the names of other persons in an apparent attempt to secure matching fund qualification for a Presidential campaign. The agreements contain civil penalties of \$4,000, \$750 and \$500, all in MUR 256-1 (76). The fourth involved the illegal use of corporate funds, MUR 200 (76) and MUR 213 (76), and the fifth involved a group which exceeded the Act's contribution limitations, MUR 403 (77). A late filing of a post election report, while violative, is not nearly the incursion on the policies and purposes of the Act as those covered by these agreements. This is particularly so because the election involved in this case took place almost three years prior to the due date for the filing and before the Commission existed.

All of the agreements without penalty also involved violations generally more severe than late filing of a post election report. Several without penalties involved violations considerably more severe. These include the failure to report that several committees supporting a single candidate were affiliated [MUR 202 (76)]; the failure to file a statement of organization and a post primary report [MUR 223 (76)]; and the failure to file several major reports, while forcing the Commission to litigate [MUR 311 (76)] (discussed below).

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

Mr. Lester Scall
February 22, 1978
Page 3

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I would also ask that you review the consent order in Federal Election Commission v. Billy E. Dorsey, Civil Action No. 77-MO306S in the Federal District Court for the Northern District of Alabama. There the Commission alleged that Dorsey, formerly a candidate for Congress, failed and neglected: (1) to designate a principal campaign committee in violation of 2 U.S.C. 432(e)(1); (2) to file a 30 day post election report of receipts and expenditures in a timely fashion; and (3) to file a year end report on January 31, 1977, as required. The consent order explicitly states that Dorsey had received all notices the Commission sent him regarding his obligations as a candidate for Federal office. Even though the matter was forced to litigation, there is no civil penalty in the decree. The Costanza Committee's alleged violation is far less severe.

During our conversations you have alluded to the Commission's references to Ms. Costanza's current position. That seems to us to be a consideration that lies outside the Act. Further, it is not a matter of treating winners more harshly than losers; even if that were lawful. Ms. Costanza lost the election.

Further, two existing agreements without penalties involve elected officials or their principle campaign committees. In MUR 002 (75), the Commission alleged that Congressman Jerry Litton failed to report certain expenditures for his campaign for the United States Senate. Congressman Litton paid no civil penalty and made no admission of a violation of the Act. The President Ford Committee in MUR 190 (76) and 198 (76) allegedly provided too little compensation to the U.S. Treasury for trips taken by several cabinet officers. Yet the conciliation agreement has no penalty and disclaims any finding or admission of a violation.

In sum, the Committee has gone far beyond the type of agreement it believes is appropriate in this proceeding in order to try to resolve the matter through conciliation. If the Commission accepts the proposal, it will stand as a more burdensome agreement than heretofore required for comparable cases. Yet, the Committee has felt strongly that it should accept an agreement in order to demonstrate that it is being treated no more favorably than others, despite the fact that no other late filing committee in similar circumstances has been forced to conciliation. On the other hand, the Committee believes that at some point, acceptance of harsher treatment--aside from its basic unfairness could be misunderstood by the public. The inference

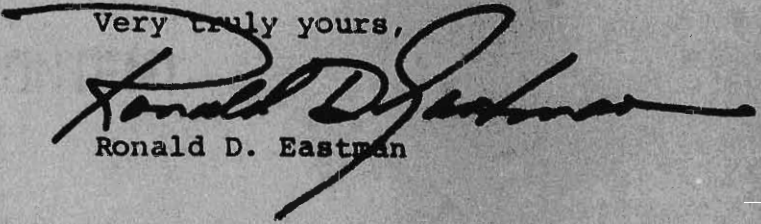
VERNER, LUPPERT, BERNHARD AND MCPHERSON

Mr. Lester Scall
February 22, 1978
Page 4

arises that a more serious violation was involved. In an area where First Amendment values are frequently at stake, the need for evenhanded administration of enforcement authority becomes even greater than usual. The Committee knows that the Commission recognizes this and trusts that it will consider this proposal in that light.

I would like to discuss this proceeding with you at your earliest convenience.

Very truly yours,


Ronald D. Eastman

RDE/sss

enclosure

78040043763

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

Appendix A

RECAP OF FEC
CONCILIATION AGREEMENTS
AND CIVIL PENALTIES

<u>Amount of Civil Penalty</u>	<u>Number of Conciliation Agreements</u>	<u>Cumulative Percent of Total</u>
\$ 0	17	39 %
25	4	48
50	6	61
100	4	70
120	1	73
150	1	75
200	1	77
250	4	86
350	1	88
500	3	89
750	1	95
4,000	<u>1</u>	100
Total	44	

78040043764

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

In the Matter of)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CONCILIATION AGREEMENT

78040043765
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434(a)(1)(C) by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

B. That the Committee filed its second quarter 1977 report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action in failing to file its second quarter 1977 report on July 10, 1977 was in violation of 2 U.S.C. §434 (a) (1) (C).

II. That it will pay a civil penalty in the amount of \$300 pursuant to 2 U.S.C. §437g(a) (6) (B) (i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq. It did file its year end 1977 report in a timely fashion.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043766

implement and comply with the requirements contained herein, or
so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, COSTANZA FOR CONGRESS
FINANCE COMMITTEE

78040043767

7 8 0 4 0 0 4 3 7 6 9

FEDERAL ELECTION
COMMISSION

78 FEB 24 P 4: 55

VERNER, LIIPFERT, BERNHARD AND McPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

TO:

Mr. Lester Scall
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Hand delivered 2-24-78

PERSONAL AND CONFIDENTIAL



FEDERAL ELECTION COMMISSION

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

February 14, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

SUBJECT: MUR 455 (77) - Interim Investigatory Report
dated February 9, 1978

The above-mentioned document was circulated to the
Commissioners on February 10, 1978 at 4:00.

The Commission accepted without objection the Interim
Investigatory Report on MUR 455 (77) dated February 9, 1978.



February 10, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 45E

Please have the attached Interim Investigatory Report
on MUR 45E distributed to the Commission on a 24 hour no-
objection basis.

Thank you.

70040043779

BEFORE THE FEDERAL ELECTION COMMISSION
February 9, 1978

In the Matter of)

) MUR 455(77)

)
)
)
) Costanza for Congress Finance Committee)

INTERIM INVESTIGATORY REPORT

On December 1, 1977, the Commission determined there was reasonable cause to believe that the Costanza for Congress Finance Committee violated 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report in a timely fashion and voted to take no further action as to the candidate herself.

On December 21, 1977, the respondent committee was notified of the Commission's determination and sent a draft agreement.

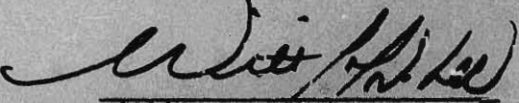
On January 6, 1978, a meeting was held with Ronald Eastman, the respondent's attorney. At that time, he submitted a revised draft agreement to the Commission.

Further negotiations were held on January 14th, at which time Mr. Eastman submitted another revised draft.

On January 18th, the Commission voted not to accept the respondent's latest proposal. The respondent was notified of the Commission's determination via phone. During that conversation, Mr. Eastman indicated that he would submit his arguments as well as another draft agreement to the Commission by January 26th.

Due to a family emergency, meetings with Mr. Eastman have been delayed. Mr. Eastman's office has stated that they expect to be in contact with the Commission during the second week of February. As of this writing, we have not been contacted by the respondent.

2/9/78
DATE


William C. Oldaker
General Counsel

78040043771

7-804004372
TO: Mr. Lester Scall

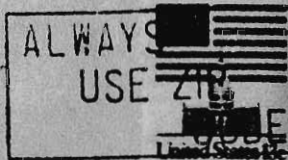
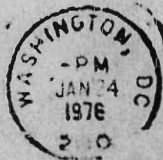
This is to inform you that my home
address has been changed to:

Columbia Plaza
Apartment D-905
2440 Virginia Ave., N.W.
Washington, D.C. 20037

MARGARET "MIDGE" COSTANZA

704004377

PERSONAL



Mr. Lester Scall
Assistant to The General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Margaret Costanza)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 18, 1978, the Commission determined by a vote of 5-0 to instruct the General Counsel to include the following provisions in the conciliation agreement with the Costanza for Congress Finance Committee:

1. Language that the respondent knew of its reporting obligation and that its action was in violation of the Federal Election Campaign Act, as amended.
2. A provision that the respondent will not violate the law in the future, or that it will comply with the law in the future.
3. Language that the filing by the respondent was ninety (90) days late.
4. Language that the respondent has cooperated fully with the Commission in this proceeding.
5. Language that a civil penalty of not less than \$500 is to be paid by the respondent.

and further, that the staff continue to reject any provision in the Conciliation Agreement that respondent erroneously believed that its May 31, 1977 letter satisfied its filing obligations.

Commissioner Harris was not present at the time of the vote in this matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

78040043774

BEFORE THE FEDERAL ELECTION COMMISSION
January 17, 1978

In the Matter of)
)
Margaret Costanza) MUR 455 (77)
Costanza for Congress)
Finance Committee)

INTERIM INVESTIGATORY REPORT

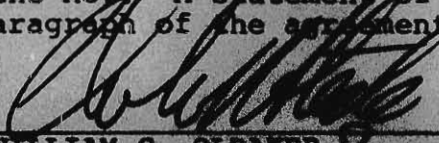
This supplements our report of conciliation negotiations which is on the agenda for January 18, 1978.

Since the preparation of our earlier report, we have had some additional conversations with respondent's counsel and he has presented a second proposed agreement for the Commission's consideration (see attached).

This proposed agreement differs from both the Commission's proposed agreement and respondent's earlier proposal in the following ways:

1. It provides for a fine of \$100.
2. It states that the respondent has cooperated fully with the Commission in this proceeding.
3. It abandons the provision proposed in respondent's earlier version that respondent erroneously believed that its May 31, 1977 letter satisfied its filing obligation.
4. It deletes the specific language that the filing was 90 days late.
5. It deletes the provision that it will not violate the law in the future or that it will comply with the law in the future.
6. It continues with the deletion of the Commission's proposed language that respondent knew of its reporting obligation and that its action was in violation of the Act. A statement of violation is retained in the first paragraph of the agreement.

17 January 1978
DATE


WILLIAM C. OLDAKER
GENERAL COUNSEL

William C. Oldaker

78040043775

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

DRAFT
SUBMITTED BY
RESPONDENTS
JAN. 14, 1978

In the Matter of)
)
) MUR 455 (77)
Costanza for Congress)
Finance Committee)

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434~~(b)~~⁽¹⁾(C), by filing its second quarter 1977 report late.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

78040043775

B. That the Committee filed its second quarter 1977 report on October 10, 1977.

C. That the Committee has cooperated fully with the Federal Election Commission in this ~~matter~~ ^{pending}.

THEREFORE, respondent Committee agrees:

I. That the Committee admits that it filed its report late, on October 10, 1977.

II. That it will pay a civil penalty in the amount of \$100.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043777

implement and comply with the requirements contained.
herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CFCFC

78040043778

January 10, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 455 Team #2 Callahan

7004004377
Please have the attached Interim Investigatory Report on MUR 455 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of January 18, 1978.

Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION
January 6, 1978

In the Matter of)

Margaret Costanza)
Costanza for Congress Finance Committee)

) MUR 455 (77)

INTERIM INVESTIGATORY REPORT

On December 1, 1977, the Commission determined there was reasonable cause to believe that the Costanza for Congress Finance Committee violated 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report in a timely fashion and voted to take no further action as to the candidate herself.

The Commission approved a draft conciliation agreement on December 15th and the respondent committee was notified of the Commission's determination and sent the draft agreement on December 21st.

On December 29th, Ronald Eastman, attorney for the respondent, called in response to the Commission's notification and stated that he would be in contact with the Commission the first week in January.

On January 6, 1978, the Commission received a revised draft conciliation agreement from the respondent. (attached)

The essential additions and deletions are set out below:

(1) Deleted statement that the Committee knew of its reporting obligations.

(2) Added statement that the Committee believed its letter of May 31, 1977 to be a sufficient filing.

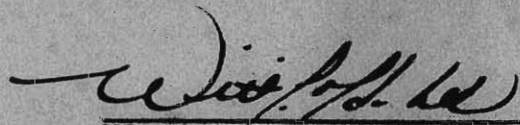
(3) Deleted statement that Committee's failure to file its July 10 report in a timely fashion is in violation of 2 U.S.C. §434.

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(4) Deleted any civil penalty.

The Office of General Counsel does not recommend the acceptance of the attached agreement from the respondent. At this time we are negotiating with the respondent regarding conciliation and will apprise the Commission of any new information at the time this report is presented.

78040043781
1/10/78
DATE


WILLIAM C. OLDAKER
GENERAL COUNSEL

LAW OFFICES
VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
JOHN L. RICHARDSON
RONALD D. EASTMAN
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HOWELL E. BEGLE, JR.

SUITE 1000
1660 L STREET, N.W.
WASHINGTON, D. C. 20036

CABLE ADDRESS
VERLIP

(202) 452-7400

JOHN A. MERRIGAN
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ANN K. H. SIMON
VICTOR S. ELGORT
RICHARD L. GYS
W. CLARK MCFADDEN
EDWARD A. CHERRY
MERRITT RUHLIN
WHITNEY GILLILLAND
OF COUNSEL

January 5, 1978

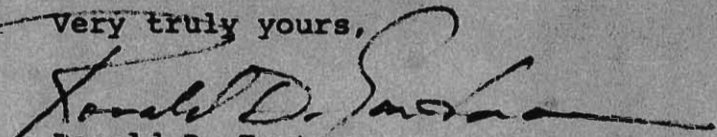
Ms. Suzanne Callaghan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Callaghan:

I am enclosing a revised draft conciliation agreement on behalf of the Costanza for Congress Finance Committee in response to the General Counsel's letter to the Committee dated December 21, 1977. We have tried to indicate exactly the changes the Committee proposes by marking proposed deletions and underlining proposed new language.

The Committee is anxious to resolve this matter as soon as possible. I hope that we can meet soon to try to develop a final agreement acceptable to both parties. I shall call you later this week to arrange a time.

Very truly yours,


Ronald D. Eastman

RDE/sss

enclosure

78040043782

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

DRAFT
REVISED DRAFT
Costanza Committee
1/4/78

In the Matter of)
)
) MUR 455 (77)
Costanza for Congress)
Finance Committee)

CONCILIATION AGREEMENT

7804004378
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

~~B. -- That the Committee knew of its reporting obligations in regard to the filing of the July 10, 1977 quarterly report.~~

B. That the Committee filed the July 10, 1977 quarterly report ninety days after the due date established in 2 U.S.C. §434 required by the Act.

C. The Committee erroneously believed that its May 31, 1977 letter satisfied its obligation to file a report on appropriate Commission prescribed forms.

THEREFORE, respondent Committee agrees:

I. ~~-- Respondent's action in failing to file the July 10, 1977 quarterly report in a timely fashion is in violation of 2-U.S.C.-§434.~~

II. ~~-- That it will pay a civil penalty in the amount of \$1,000 pursuant to 2-U.S.C.-§437g(a)(6)(B)(i).~~

III. ~~-- Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2-U.S.C.-§431, et seq.~~

That it will file all reports of receipts and expenditures subsequent to this date in accordance with the provisions of 2 U.S.C. §434.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

78040043781

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CFCFC

78040043785

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

Mr. Lester Scall
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

Ms. Suzanne Callaghan

HAND DELIVERED

rec'd 2-6-78

ACC 2611
NRN

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
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SUITE 1000
1860 L STREET, N. W.
WASHINGTON, D. C. 20036

CABLE ADDRESS
VERLIP

(202) 452-7400

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W. CLARK MCFADDEN
EDWARD A. CHERRY

MERRITT RUHLEN
WHITNEY GILLILLAND
OF COUNSEL

February 6, 1978

Mr. Lester Scall
Federal Election Commission
1325 K Street, Northwest
Washington, D. C. 20463

Dear Mr. Scall:

Re: MUR 45 (77)

As I informed you in telephone conversations on January 26 and February 3, 1978, the Costanza for Congress Finance Committee desires to continue conciliation efforts with the Federal Election Commission with regard to the above referenced matter.

The Committee plans to present another proposal for your consideration as soon as possible. However, completion of the proposal has been delayed because Mr. Eastman, counsel for the Committee, has been out-of-town due to a family emergency since January 26.

I hope this does not cause any inconvenience. Thank you for your cooperation.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts

LSM/bj1

78040043788

Doc 2571 NRW
MUR 455

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
JOHN L. RICHARDSON
RONALD D. EASTMAN
MARK J. ANDREWS
HENRY GOLDBERG
FRITZ R. KAHN
STUART F. PIERSON
MICHAEL F. GOLDMAN
HOWELL E. BEGLE, JR.

SUITE 1000
1660 L STREET, N. W.
WASHINGTON, D. C. 20036

CABLE ADDRESS
VERLIP

(202) 452-7400

JOHN A. MERRIGAN
THOMAS E. ACEY, JR.
JOSEPH L. MANSON, III
ROBERT R. BRINKER
LYNDA S. MOUNTS
RUSSELL E. POMMER
JEFFREY D. KOMAROW
THOMAS J. KELLER
BARBARA DAVIS
ANN K. H. SIMON
VICTOR S. ELGORT
RICHARD L. CYS
WILLIAM C. MCFADDEN

MERRITT RUHLEN
WHITNEY GILLILLAND
OF COUNSEL

January 31, 1978

HAND DELIVERED

Ms. Suzanne Callaghan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Callaghan:

This is to confirm your oral advice to Betty Mizek of our office on January 30, 1978. It is our understanding that, pursuant to §101.1 of the Regulations, Margaret J. Costanza is not required to file a year-end candidate's report with the Federal Election Commission because (1) on November 30, 1977 Ms. Costanza terminated her candidacy by letter, which was acknowledged by the FEC on December 19, 1977 and (2) there are no debts and obligations for which Ms. Costanza is personally obligated arising in connection with the election.

Thank you again for your assistance and advice.

Sincerely,

Lynda S. Mounts

Lynda S. Mounts

LSM/sss

7804001378

LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

JAMES M. VERNER
EUGENE T. LIIPFERT
BERL BERNHARD
HARRY MCPHERSON
RONALD B. NATALIE
WILLIAM C. EVANS
MICHAEL J. ROBERTS
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VICTOR S. ELGORT
RICHARD L. CYS
W. CLARK MCFADDEN
EDWARD A. CHERRY
MERRITT RUHLEN
WHITNEY GILLILLAND
OF COUNSEL

January 5, 1978

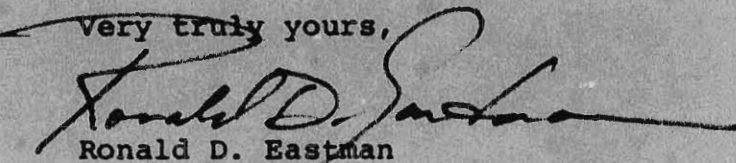
Ms. Suzanne Callaghan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Callaghan:

I am enclosing a revised draft conciliation agreement on behalf of the Costanza for Congress Finance Committee in response to the General Counsel's letter to the Committee dated December 21, 1977. We have tried to indicate exactly the changes the Committee proposes by marking proposed deletions and underlining proposed new language.

The Committee is anxious to resolve this matter as soon as possible. I hope that we can meet soon to try to develop a final agreement acceptable to both parties. I shall call you later this week to arrange a time.

Very truly yours,


Ronald D. Eastman

RDE/sss

enclosure

78040043790

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

DRAFT
REVISED DRAFT
Costanza Committee
1/4/78

In the Matter of)
)
) MUR 455 (77)
Costanza for Congress)
Finance Committee)

CONCILIATION AGREEMENT

78040043791
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

~~B. -- That the Committee knew of its reporting obligations in regard to the filing of the July 10, 1977 quarterly report.~~

B.

C. That the Committee filed the July 10, 1977 quarterly report ninety days after the due date established in 2 U.S.C. §434 required by the Act.

C. The Committee erroneously believed that its May 31, 1977 letter satisfied its obligation to file a report on appropriate Commission prescribed forms.

THEREFORE, respondent Committee agrees:

~~I. -- Respondent's action in failing to file the July 10, 1977 quarterly report in a timely fashion is in violation of 2-U.S.C.-§434.~~

~~II. -- That it will pay a civil penalty in the amount of \$1,000 pursuant to 2-U.S.C.-§437g(a)(6)(B)(i).~~

~~III. -- Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2-U.S.C.-§431, et seq.~~

That it will file all reports of receipts and expenditures subsequent to this date in accordance with the provisions of 2 U.S.C. §434.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

78040043792

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to implement and comply with the requirements contained herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CFCFC

78040043793

7 8 0 4 0 0 1 3 7 9 1
LAW OFFICES

VERNER, LIIPFERT, BERNHARD AND MCPHERSON

SUITE 1000

1660 L STREET, N. W.

WASHINGTON, D. C. 20036

Ms. Suzanne Callaghan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

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

December 22, 1977

Ronald Eastman, Esq.
Verner, Liipfert, Bernhard & McPherson
1660 L Street, N.W.
Suite 1000
Washington, D.C. 20036

Re: MUR 455 (77)

Dear Mr. Eastman:

Pursuant to your retention as counsel for respondents in this matter, we are sending you copies of the following items:

Our letter of December 21, 1977 to respondent Margaret Costanza advising her of the Commission's determination to close the file as it pertains to her;

Our letter of December 21, 1977 to Sandra Adams, treasurer of the respondent Costanza Committee, advising her of the Commission's finding of reasonable cause to believe that the Committee had violated the Act and enclosing a proposed conciliation agreement.

If you have any questions, please contact Suzanne Callahan (202/523-4166), the staff member assigned to this matter.

Sincerely,

William C. Oldaker
General Counsel

enclosures



78040043795



FEDERAL ELECTION COMMISSION

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

December 21, 1977

Sandra Adams, Treasurer
Costanza for Congress Finance
Committee
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Re: MUR 455 (77)

Dear Ms. Adams:

This letter is to notify you of recent Commission action concerning the Costanza for Congress Finance Committee (the Committee).

As set forth in 2 U.S.C. §434, in a non-election year, candidates and their authorized committees are required to file reports:

...not later than the 10th day following the close of any calendar quarter in which that candidate and his authorized committee received contributions or made expenditures, or both, the total amount of which, taken together, exceeds \$5,000, and such reports shall be complete as of the close of such calendar quarter...

The Commission has determined that your letter dated May 31, 1977 did not sufficiently disclose the financial activity of the Committee during the second quarter of 1977 and that the subsequent filing of the July 10 report, ninety (90) days after the due date, is in violation of the Act.

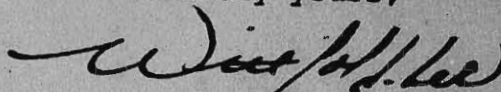
On December 1, 1977, the Commission found reasonable cause to believe that the Committee violated 2 U.S.C. §434 for failing to file the July 10 report in a timely fashion.



After such a finding is made, the Commission must attempt to conciliate and I have enclosed a proposed conciliation agreement. 2 U.S.C. §437g(a)(5)(A). Please note that this is a working draft, and has not been approved by the Commission. Please review the draft and respond within five days from your receipt of this letter.

If you have any questions contact Suzanne Callahan, (202-523-4166), the staff member assigned to this matter.

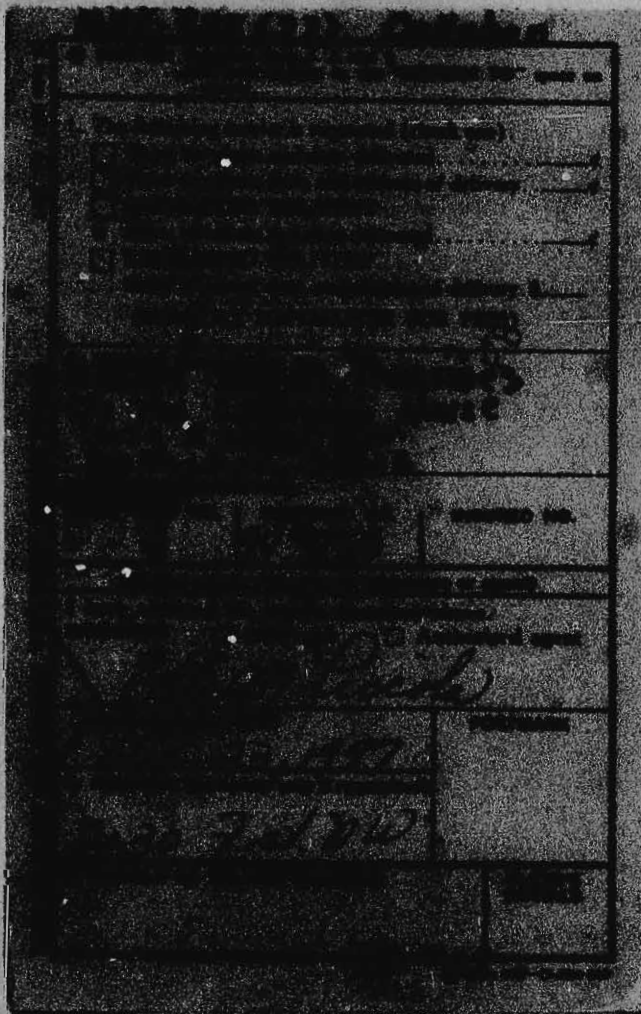
Sincerely yours,



William C. Oldaker
General Counsel

Enclosure

78040013797



BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

In the Matter of)
)
) MUR 455 (77)
Costanza for Congress)
Finance Committee)

CONCILIATION AGREEMENT

78040043798
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

B. That the Committee knew of its reporting obligations in regard to the filing of the July 10, 1977 quarterly report.

C. That the Committee filed the July 10, 1977 quarterly report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action in failing to file the July 10, 1977 quarterly report in a timely fashion is in violation of 2 U.S.C. §434.

II. That it will pay a civil penalty in the amount of \$1,000 pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043799

implement and comply with the requirements contained.
herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CFCFC

78040043800



FEDERAL ELECTION COMMISSION

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

December 21, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Margaret Costanza
The Plaza
800 25th Street, N.W.
Apartment #703
Washington, D.C. 20037

Re: MUR 455 (77)

Dear Ms. Costanza:

On December 15, 1977, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §434 by you, as a candidate.

The Commission has determined that the Federal Election Campaign Act of 1971, as amended, has not been willfully violated and that voluntary compliance has been achieved.

Accordingly, the Commission intends to take no further action and close its file in this matter.

If you have any questions contact Suzanne Callahan, the staff member assigned to this matter (202-523-4166).

Sincerely yours,

William C. Oldaker
General Counsel



AIR MAIL **C-777** **Collection**

① ADDRESSEE: Complete boxes 1, 2, and 3.
Add your address in the "RETURN TO" space.

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

- ☐ Show to whom and date delivered.
- ☐ Show to whom, date, and address of delivery.
- ☒ RESTRICTED DELIVERY
Show to whom and date delivered.
- ☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE INFORMATION TO:
Margaret Costanza
800 25th St. N.W. #703
Wash., D.C. 20037

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURANCE
	943978	

Please attach signature of addressee or agent.

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Han Koon

DATE OF DELIVERY _____

4. COMMENTS (Complete only if registered)

5. UNABLE TO DELIVER BECAUSE _____

U.S. AIR MAIL PERMIT NO. 1000 NEW YORK, N.Y.

★ UPO : 1977 - 0 - 22

BEFORE THE FEDERAL ELECTION COMMISSION

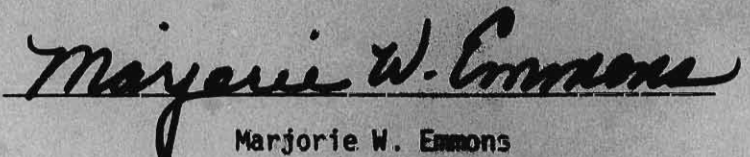
In the Matter of)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 15, 1977, the Commission determined by a vote of 4-1 to find reasonable cause to believe that the Costanza for Congress Finance Committee violated 2 U.S.C. Section 434 for failure to file the July 10, 1977, quarterly report in a timely fashion, and to approve the draft conciliation agreement in the General Counsel's report of December 7, 1977, in the above-captioned matter.

Voting for this determination were Commissioners Aikens, Springer, Thomson, and Tiernan. Commissioner Harris voted against the determination and Commissioner Staebler was not present at the time of the vote.


Marjorie W. Emmons
Secretary to the Commission

78040043803



FEDERAL ELECTION COMMISSION

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

December 15, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
SUBJECT: MUR 455 (77) - OBJECTION

MUR 455 (77) was circulated to the Commissioners on
December 8, 1977 at 4:30.

Commissioner Staebler has submitted an objection to MUR 455
thereby placing it on the Agenda for December 15, 1977.

78040043804



FEDERAL ELECTION COMMISSION

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

DECEMBER 9, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE EMMONS *mwe*
RE: MUR #455 (77)

The General Counsel's report on MUR 455 (77) was circulated to the Commissioners at 4:30 p.m. on December 8, 1977.

Commissioner Staebler has "objected" to the recommendation in the report, thereby placing this matter on the agenda for the Commission Meeting of December 15, 1977.

Commissioner Staebler stated that he wished this matter on the agenda for discussion even though he would not be present at that meeting.

Attached is a copy of the remarks we received from Commissioner Staebler.

CC: Commissioner Staebler

Attachment a/n

78040043805



FEDERAL ELECTION COMMISSION

1155 K STREET N.W.
WASHINGTON, D.C. 20463

DATE AND TIME OF TRANSMITTAL DEC. 8 - 4:30

Commissioner Stebbler

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 4:30 - DEC. 9

FOR No. 45 (17)

☒ I object to the recommendation in the attached report.

COMMENTS:

THE AMOUNT OF THE PROPOSED PENALTY SHOULD
BE DISCUSSED BY THE COMMISSION. I WOULD
FAVOR A LOWER FIGURE - \$500 OR \$250.

Date 12/9/77

Signature [Signature]

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.



December 7, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 455

Please have the attached Memo on MUR 455 distributed
to the Commission on a 24 hour no-objection basis.

Thank you.

78040043807



FEDERAL ELECTION COMMISSION

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

7 December 1977

MEMORANDUM TO: Commissioners
FROM: William Oldaker *Bill*
SUBJECT: MUR 455

On December 1, 1977, the Commission voted to find reasonable cause to believe that the Costanza for Congress Finance Committee violated 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report in a timely fashion.

Attached is the notification letter to the respondent and a draft of the proposed conciliation agreement.





FEDERAL ELECTION COMMISSION

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

Sandra Adams, Treasurer
Costanza for Congress Finance
Committee
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Re: MUR 455 (77)

Dear Ms. Adams:

This letter is to notify you of recent Commission action concerning the Costanza for Congress Finance Committee (the Committee).

As set forth in 2 U.S.C. §434, in a non-election year, candidates and their authorized committees are required to file reports:

...not later than the 10th day following the close of any calendar quarter in which that candidate and his authorized committee received contributions or made expenditures, or both, the total amount of which, taken together, exceeds \$5,000, and such reports shall be complete as of the close of such calendar quarter...

The Commission has determined that your letter dated May 31, 1977 did not sufficiently disclose the financial activity of the Committee during the second quarter of 1977 and that the subsequent filing of the July 10 report, ninety (90) days after the due date, is in violation of the Act.

On December 1, 1977, the Commission found reasonable cause to believe that the Committee violated 2 U.S.C. §434 for failing to file the July 10 report in a timely fashion.



- 2 -

After such a finding is made, the Commission must attempt to conciliate and I have enclosed a proposed conciliation agreement. 2 U.S.C. §437g(a)(5)(A). Please note that this is a working draft, and has not been approved by the Commission. Please review the draft and respond within five days from your receipt of this letter.

If you have any questions contact Suzanne Callahan, (202-523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

78040013810

BEFORE THE FEDERAL ELECTION COMMISSION
December 7, 1977

In the Matter of)

Costanza for Congress)
Finance Committee)

MUR 455 (77)

CONCILIATION AGREEMENT

78040043811
This matter having been initiated on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Costanza for Congress Finance Committee, (the Committee), violated 2 U.S.C. §434.

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Committee having duly entered into conciliation pursuant to 437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent and the subject of this proceeding.

II. That respondent Committee has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. That the pertinent facts in this matter are as follows:

A. That the Costanza for Congress Finance Committee received in excess of \$5,000 in contributions during the second quarter of 1977.

B. That the Committee knew of its reporting obligations in regard to the filing of the July 10, 1977 quarterly report.

C. That the Committee filed the July 10, 1977 quarterly report ninety days after the due date required by the Act.

THEREFORE, respondent Committee agrees:

I. Respondent's action in failing to file the July 10, 1977 quarterly report in a timely fashion is in violation of 2 U.S.C. §434.

II. That it will pay a civil penalty in the amount of \$1,000 pursuant to 2 U.S.C. §437g(a)(6)(B)(i).

III. Respondent agrees that it will not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

GENERAL CONDITIONS

I. The Commission, on the 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 civil action for relief in the United States District Court for the District of Columbia.

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondent Committee shall have no more than thirty (30) days from the date of this agreement to

78040043812

implement and comply with the requirements contained.
herein, or so notify the Commission.

DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL

SANDRA ADAMS
TREASURER, CFCFC

78040043813

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

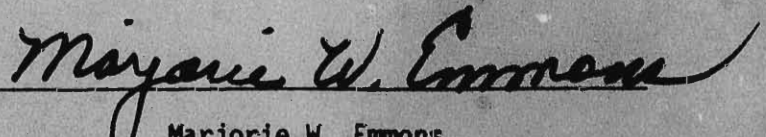
Margaret Costanza
Costanza for Congress Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 1, 1977, the Commission determined by a vote of 5-1 to find Reasonable Cause to Believe that the Costanza for Congress Finance Committee had violated 2 U.S.C. Section 434 in the above-captioned matter, and to enter into conciliation efforts with the respondent.

Voting for this determination were Commissioners Aikens, Springer, Staebler, Thomson, and Tiernan. Commissioner Harris voted against the finding.



Marjorie W. Emmons
Secretary to the Commission

78040043814

November 23, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 455 (77) Team 62 Callahan

Please have the attached General Counsel's Report on MUR 455 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 29, 1977.

Thank you.

73040043815

BEFORE THE FEDERAL ELECTION COMMISSION

November 23, 1977

In the Matter of)
)
) MUR 455 (77)
Margaret Costanza)
Costanza for Congress Finance)
Committee)

GENERAL COUNSEL'S REPORT

I. SUMMARY

On October 20, 1977, the Commission found reason to believe that Margaret Costanza and the Costanza for Congress Finance Committee (the Committee) had violated 2 U.S.C. §434. Ms. Costanza had failed to file the July 10 and October 10, 1977 quarterly reports, and the Committee had failed to file the July 10th report in a timely fashion. The Committee filed the July 10th report on October 12th, ninety days after the due date required by the Act.

II. RESPONDENTS ANSWERS

By letter dated November 8, 1977, Committee treasurer Sandra Adams explained the late filing (see attachment 1). She stated that she was unsure of "the proper disposition" of the surplus funds received from the Committee's April 7, 1977 fundraiser and that she had insufficient time to complete the report. She also reiterated her earlier statement made to the Commission that there had been no intent to conceal the Committee's financial activity during that quarter.

78040043816

By letter dated November 14, 1977, Ms. Costanza explained her non-filing (see attachment 2). She stated that on June 10, 1977, she was sent a letter by the Commission notifying her that she had been administratively terminated (see attachment 3). She assumed that no further quarterly reports were required but filed promptly after receiving our letter notifying her of the reason to believe finding.

III. ANALYSIS

As set forth in 2 U.S.C. §434, in a non election year, candidates and their authorized committees are required to file reports:

...not later than the 10th day following the close of any calendar quarter in which that candidate and his authorized committee received contributions or made expenditures, or both, the total amount of which, taken together, exceeds \$5,000, and such reports shall be complete as of the close of such calendar quarter ...

In light of the fact that receipts of the candidate and the Committee exceeded \$5,000 in the second quarter of 1977, the Committee violated §434 by failing to timely file this report.

Mitigating factors exist, however. While the Committee clearly knew of its reporting obligations, in her May 31 letter to the Commission (discussed in our reason to believe recommendation), treasurer Adams did report the fundraiser which had taken place during that quarter.

While the failure to file the July 10 report by the Committee seems to be a technical violation, the earlier revelation of the fundraiser and the intervening termination letter to the candidate seem to negate any attempt to avoid disclosure. Accordingly,

78040043817

while the Committee should be notified that the its failure to file violated the law, there is no reason to believe that there was a knowing violation.

Subsequent to Ms. Costanza's receipt of notification that she, as a candidate, was required to file the July 10 and October 10 reports, she did so.

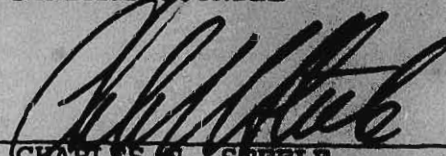
A review of the reports submitted by both the candidate and the Committee indicate that no other violations have been committed.

IV. RECOMMENDATION

The Commission should take no further action in this matter and close the file. The attached notification letters should be sent.

23 November 1977
DATE

WILLIAM C. OLDAKER
GENERAL COUNSEL



CHARLES N. STEELE
ASSOCIATE GENERAL COUNSEL

78040043813



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Margaret Costanza
The Plaza
800 25th Street, N.W.
Apartment #703
Washington, D.C. 20037

Re: MUR 455 (77)

Dear Ms. Costanza:

On November , 1977, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §434 by you, as a candidate.

The Commission has determined that the Federal Election Campaign Act of 1971, as amended, has not been willfully violated and that voluntary compliance has been achieved.

Accordingly, the Commission intends to take no further action and close its file in this matter.

If you have any questions contact Suzanne Callahan, the staff member assigned to this matter (202-523-4166).

Sincerely yours,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sandra Adams, Treasurer
Costanza for Congress Finance
Committee
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Re: MUR 455 (77)

Dear Ms. Adams:

On November , 1977, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §434 by the Costanza for Congress Finance Committee (the Committee).

The Commission does, however, believe that the Committee failed to file the July 10 report in a timely fashion in accordance with §434. However, in light of the revelation of the fundraiser in your May 31st letter and the subsequent filing of the July 10 report, the Commission intends to take no further action and close its file in this matter.

If you have any questions contact Suzanne Callahan, the staff member assigned to this matter (202-523-4166).

Sincerely yours,

William C. Oldaker
General Counsel



GCC ~~2012~~
NRN

DUPLICATE COPY: ORIGINAL HAND-DELIVERED
TO MR. SCALL ON 11/9/77

ATTACHMENT I

November 8, 1977

Mr. Lester Scall
Attorney
Federal Election Commission
1325 K Street
Washington, D.C. 20463

RE: MUR 455
Ltr. 10/26/77

Dear Mr. Scall:

The letter from Mr. Oldaker of October 26 set forth five questions:

- (1) At what bank and under what account number were the proceeds from the fundraiser deposited?

All funds received by the Costanza for Congress Finance Committee were deposited at the First National Bank of Rochester, 35 State Street, Rochester, New York 14614, in Account No. 01046403 00.

- (2) Were any \$500 tickets purchased from the Committee prior to April 11?

There were no tickets purchased from the Committee at any time. There were contributions that were made to the Committee, and all such contributions were committed by the donors on April 7, 1977.

- (3) Were any expenses incurred for the fundraiser prior to April 7?

There were no expenses incurred by the Committee for the fundraiser prior to April 7.

- (4) Were any expenses incurred for anything other than catering for the fundraiser -- e.g., plane fare, accommodations, etc.?

There were no expenses incurred for anything other than catering for the fundraiser. Accommodations

Mr. Lester Scall
November 8, 1977
Page 2

and plane expenses or other travel expenses were borne by the individuals who attended, if such accommodations or travel were necessary.

(5) Please state your reason for not submitting the July 10 report in a timely fashion as required by 2 USC § 434.

As a result of the fundraiser of April 7, approximately \$21,000 was collection. I was eager to pay off all the outstanding debts, dissolve the Committee, and to file a final report. Since the fundriaser produced a surplus of approximately \$3,000 beyond the Committee's expenses, I was unsure as to the proper disposition of the balance. I made several inquiries of the Federal Election Commission in an effort to seek guidance. My indecision about the surplus therefore explains my delay in getting an earlier start on the preparation of the July 10 report.

Since I was employed during this period by the White House as an Administrative Assistant, the enormous demands on my time for work were overwhelming. As such an employee, I understood myself to be required to complete my work as Treasurer of the Committee on my own time, and there simply was no such time. There was absolutely no intention to file late. This lack of intention is evidenced by the fact that on May 31, 1977, in my letter to Vernon W. Thompson of the Federal Election Commission, I informed the Commission that the Committee had held a fundraiser "...on April 7, 1977 and raised approximately \$20,000." This information need not have been reported at that time since it was beyond the scope of the first quarter report which ended March 31, 1977; this information was required to be included on the second quarter report due July 10 -- that is, five weeks subsequent to the May 31 letter.

Since the second quarter report that was eventually filed reflects the receipts of

Mr. Lester Scall
November 8, 1977
Page 3

approximately \$20,000, as referred to in the May 31 letter, there can be no question of her intention to file in a timely fashion. While there is no dispute that the report was tardy, the approximate total receipts were reported in the letter of May 31, only the details and the formal fuller explanation were delayed.

While not being a lawyer, I have tried to understand the law as best I could from what I understand to be the applicable statute. I enclose a copy of the statute that I relied on. If there were subsequent amendments or modifications to that statute, I am unaware of them, and I would appreciate your letting me know.

I hope the enclosed information satisfies all your requests. I trust that if there is any further information that you require, you will let me know immediately. And if I do not hear from you in the next several weeks, I will assume your satisfaction.

Very truly yours,

Sandra M. Adams

c/o The Letterman House
2030 F. Street, N.W.
Washington, D.C. 20006

718 0400 13823

703326

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 14, 1977

ATTACHMENT 2

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 455

Dear Mr. Oldaker:

On Friday, November 11, 1977 I received your letter dated November 9, 1977, sent certified mail, regarding the above matter.

Your letter states that the enclosure had been previously mailed on October 26, 1977. I never received that letter, and I notice that the letter of October 26 was sent certified mail, return receipt requested. I assume that no one signed for that letter on my behalf. If that assumption is incorrect, please let me know immediately.

In addition to informing you of the above, I wish by this letter to assure you of my eagerness to respond to your questions as quickly as possible. I note that your letter of October 26 sets forth five questions which are identical to the questions posed to the Treasurer of the Costanza for Congress Finance Committee, Sandra Adams. I have reviewed the letter Ms. Adams sent on November 8, 1977 to Lester Scall. I feel that those questions were properly answered in that letter. If there is any dissatisfaction by the Federal Elections Commission to any aspects of those answers, I strongly urge you to contact me or Ms. Adams immediately.

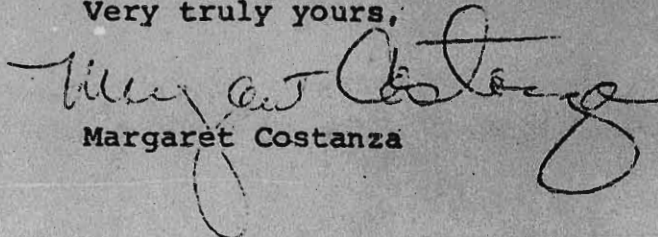
In addition to the five questions, your letter of October 26 to me refers in the second paragraph to the repayment of a loan to me totalling \$17,045.45. You say that since the amount exceeds \$5,000, I am "...therefore required to submit a report." If there is a form of such report, I would appreciate your office sending me same as quickly as possible. If there is no such form, would you kindly inform me as to the nature of such a report, specifically, what details would you wish included in such a report.

Page 2
Mr. Oldaker

I am a little confused because in a letter to me from Orlando E. Potter of the Federal Elections Commission dated June 10, 1977, I was informed that my campaign Committee had a continuing responsibility to report, and that as far as I was concerned, "...the Commission regards your 1976 candidate status as terminated..."

Since your letter requests a response within 10 days, I will try to reach you or your office by phone immediately in the hope that the matter can be expedited.

Very truly yours,


Margaret Costanza

The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037

780040013825



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

ATTACHMENT 3

24 JUN 1977

Ms. Margaret Costanza
112 Powers Bldg
Rochester, NY

Dear Ms. Costanza:

Your reports of receipts and expenditures on file with the Commission do not indicate that you have any outstanding debts and obligations for which you are "personally obligated" in connection with the 1976 election; thus, under Section 101.1 of the Commissions Regulations your 1976 candidate status is regarded as terminated. Consequently, if in fact you have no outstanding debts or obligations related to a 1976 campaign for which you are personally obligated, then you have no obligation as a 1976 candidate to file reports covering any periods in 1977. However, this does not relieve you of the obligation to supply information that may have been omitted from your personal reports and statements filed in connection with the 1976 election.

Even though the Commission regards your 1976 candidate status as terminated, your principal campaign committee and any committees authorized by you must continue filing reports until a valid Termination Report is filed as required by Section 102.4 of the Regulations.

Should you wish to remain on our information mailing list, please fill out the enclosed postcard and return it to the Commission. You will then receive the RECORD, a monthly newsletter, which will keep you abreast of all FEC activities.

In addition, you should be aware of your obligation if candidate status is triggered for a 1978 (or other future election) as provided by 2 U.S.C. §431(b) or Section 100.2 of the Regulations:

§100.2. Definition of Candidate.

An individual is a candidate for Federal office, whether or not elected, whenever any of the following events occur:



(a) The individual has taken action necessary, under relevant State law, to qualify in a primary, runoff, special or general election, convention or caucus; or

(b) the individual has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view toward bringing about his or her election; or

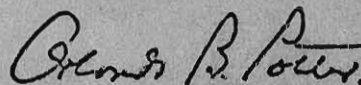
(c) if after written notification by the Commission that any other person is receiving contributions or making expenditures on the individual's behalf, the individual fails to disavow this activity by letter to the Commission within 30 days of receipt of the notification."

718040013827

Once the candidate status has been triggered for a future election, a candidate must designate within 30 days both a principal campaign committee (or redesignate a continuing committee from the 1976 campaign) and a campaign depository (or redesignate a former one); the candidate also needs to renew a request for a waiver of personal candidate reporting (if desired). (See Sections 101.1, 101.2 and 101.3 of the Regulations). You may designate the principal campaign committee and the despository and request the candidate reporting waiver by completing the enclosed FEC Form 2, Statement of a Candidate, or by a letter containing the same information.

If you have any further questions please contact the Office of Public Communications at the above address, or at 202/523-4068 - toll free 800/424-9530.

Sincerely,



Orlando B. Potter
Staff Director

Attachment as stated



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sandra Adams, Treasurer
Costanza for Congress Finance
Committee
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Re: MUR 455 (77)

Dear Ms. Adams:

On November , 1977, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §434 by the Costanza for Congress Finance Committee (the Committee).

The Commission does, however, believe that the Committee failed to file the July 10 report in a timely fashion in accordance with §434. However, in light of the revelation of the fundraiser in your May 31st letter and the subsequent filing of the July 10 report, the Commission intends to take no further action and close its file in this matter.

If you have any questions contact Suzanne Callahan, the staff member assigned to this matter (202-523-4166).

Sincerely yours,

William C. Oldaker
General Counsel



200 2103

RECEIVED
FEDERAL ELECTION
COMMISSION

November 15, 1977

'77 NOV 23 AM 10:07
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Oldaker:

In response to your letter of November 15, 1977
I enclose FEC form 3, form 3a, and form 2 completed along
the lines you've indicated.

I trust that with the submission of these completed
documents I have fulfilled all your requests as set forth
in your letter to me dated October 26, 1977. If the
answers are not satisfactory, please contact me immediately.

Very truly yours,

Margaret J. Costanza
Margaret Costanza

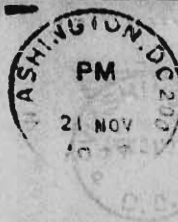
c/o The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037

[Enclosures not received]

78040043829

1400138
Margaret J. Costanza
The Plaza
800 25th Street, N. W.
Apt. #703
Washington, D. C. 20037

FEDERAL ELECTION
COMMISSION
77 NOV 23 AM 10:07



MAIL EARLY
FOR CHRISTMAS

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K. Street, N. W.
Washington, D. C/ 20463

CERTIFIED

No. 149970

MAIL

November 15, 1977

JD
Doc
mk
453
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Oldaker:

In response to your letter of November 15, 1977
I enclose FEC form 3, form 3a, and form 2 completed along
the lines you've indicated.

I trust that with the submission of these completed
documents I have fulfilled all your requests as set forth
in your letter to me dated October 26, 1977. If the
answers are not satisfactory, please contact me immediately.

Very truly yours,

Margaret J. Costanza
Margaret Costanza

c/o The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037

780400043831

Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain records with respect to each election.

1(a) Name of Candidate or Committee (in full) ☐ Check if name or address is changed

2 Identification Number

MARGARET J. COSTANZA

3(a) Is this a report of receipts and expenditures for only one election? ☒ Yes ☐ No

(b) If "Yes," for which election?
GENERAL on 1974
(general, primary, runoff) (date)

(b) Address (number and street)

800 25th STREET N.W.

(c) City, State and ZIP code

WASHINGTON D.C. 20037

4 Type of Report (Check appropriate box and complete, if applicable)

(a) ☐ Amendment For

(Which report)

(c) ☒ July 10 Quarterly Report

(d) ☐ October 10 Quarterly Report

(b) ☐ April 10 Quarterly Report

(h) ☐ Tenth day report preceding

(primary, general or convention)

election on

(date)

in the State of

(i) ☐ Thirtieth day report following

(primary, general or convention)

election on

(date)

in the State of

(g) ☐ Termination Report

(e) ☐ January 31 Year End Report

(f) ☐ Monthly Report

(Month)

Candidate or Committee Summary of Receipts and Expenditures

5 Covering Period: From April 1 Through June 30, 1977

Section A - Cash Balance Summary

Column A
This Period

Column B
Calendar Year-To

6 Cash on hand January 1, 19 77

7 Cash on hand at beginning of reporting period

8 Total receipts (from line 19)

\$ 17,045.45 \$ 17,045

(a) Subtotal (Add lines 7 and 8)

\$ \$

9 Total expenditures (From line 25)

\$ \$

10 Cash on hand at close of reporting period (Subtract line 9 from line 8)

\$ \$

11 Contributed items on hand to be liquidated (attach itemized list) \$

Section B - Presidential Campaign Expenditures Subject to Limitation - Summary
(To Be Used Only By Presidential Candidates Receiving Federal Funds)

12 Operating expenditures (from line 20)

\$ \$

13 Refunds and Rebates (from line 17)

\$ \$

14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)

\$ \$

(b) Expenditures from prior years subject to limitation

\$ \$

(c) Total expenditures subject to limitation (Add lines 14a and 14b)

\$ \$

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

MARGARET J. COSTANZA
(Typed Name of Treasurer or Candidate)

Margaret J. Costanza
(Signature of Treasurer or Candidate)

11/15/77
(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 or § 441j (See reverse side of form)

For further
information
Contact:

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

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

Name of Candidate or Committee		REPORT COVERING THE PERIOD FROM: TO:	
PART I - RECEIPTS		Column A This Period	Column B Calendar year-to
15 Contributions and other income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$)			
(d) Subtotal of contributions and other income		\$	\$
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$	\$
17 Refunds, Rebates, Returns Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, returns		\$	\$
18 Transfers In:			
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount)		\$ 17,045.45	
(b) From other Committees (Itemize on Schedule A Regardless of Amount)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ 17,045.45	\$
PART II - EXPENDITURES			
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$	\$
21 Independent Expenditures (use Schedule E)		\$	\$
22 Loans, Loan Repayments, and Contribution Refunds Made:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$	\$
23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$	\$
24 Transfers Out:			
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)		\$	
(b) To Other Committees (Itemize on Schedule B Regardless of Amount)		\$	
(c) Subtotal of transfers out		\$	\$
25 Total Expenditures		\$	\$
PART III - DEBTS AND OBLIGATIONS			
26 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
27 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ 17,045.45	
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
28 Total Receipts (from line 19)		\$ 17,045.45	
29 Transfers In (from line 18(a))		\$ 17,045.45	
30 Net Receipts (Subtract line 29 from line 28)		\$	
31 Total Expenditures (from line 25)		\$	
32 Transfers out (from line 24(a))		\$	
33 Net Expenditures (Subtract line 32 from line 31)		\$	

78040043833

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

7804004383-4

Name of Candidate or Committee in full MARGARET J. COSTANZA			
Full Name, mailing address and ZIP code COSTANZA FOR CONGRESS FINANCE COMMITTEE 2030 F STREET N.W. APT. 701 WASHINGTON DC 20006		Date (month, day, year) 4/26/77	Amount of receipt this page 17.045
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of receipt this page
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of receipt this page
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of receipt this page
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of receipt this page
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of receipt this page
Principal place of business	Occupation <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$		
Subtotal of receipts this page (optional)			\$
Total this period (last page this line number only)			\$17.04

Debts and Obligations for Line Numbers 26 and/or 27 of FEC Form 3

(see Instructions on back)

Page _____ of _____ for

LINE NUMBER _____

(Use separate schedule(s) for each numbered line)

78040043835

Name of Candidate or Committee in full		Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance Close of This Period
MARGARET J. COSTANZA				
Full Name, mailing address and ZIP code, and nature of obligation COSTANZA FOR CONGRESS FINANCE COMMITTEE 2030 F STREET N.W. APT. 701 WASHINGTON, D.C. 20006	Date (month, day, year) VARIOUS THROUGH OUT ENTIRE PERIOD	\$ 26,645.45	\$ 26,645.45	\$ - 0 -
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	Date (month, day, year)	\$	\$	\$
Subtotals this period this page (optional)		\$	\$	\$
Total this period (last page this line number only)		\$ 26,645.45	\$ 26,645.45	\$ - 0 -
Carry outstanding balance only, to appropriate line of summary.				

78040043836

FEC Form 3a July 1976	REPORT OF A CANDIDATE OR COMMITTEE FOR A CALENDAR QUARTER FILED IN PLACE OF FEC FORM 3 (Exempt from quarterly reporting under 2 USC 434 (a)(1)(c))	Identification Number
Filing this form does not relieve any committee or candidate of the responsibility to file pre and post election reports, and a year end report (Jan. 31)		
Name of Candidate or Committee (in full)		
MARGARET J. COSTANZA		
Address (number and street)		
800 25th STREET N.W.		
City, State and ZIP code		
WASHINGTON, D.C. 20037		
For the period (check one): <input type="checkbox"/> Jan. 1 - March 31 (April 10 Report) <input type="checkbox"/> April 1 - June 30 (July 10 Report) <input checked="" type="checkbox"/> July 1 - Sept. 30 (Oct. 10 Report)		
I certify that the above named committee or candidate is exempt from reporting receipts and expenditures for the calendar quarter indicated pursuant to 2 USC 434 (a)(1)(c). I will resume reporting during the next calendar quarter in which the exemption does not apply, and such report will include all receipts and expenditures of this quarter.		
Signature of Committee Treasurer or Candidate		Date
Margaret J. Costanza		11/15/77

ENC 2045

RECEIVED
FEDERAL ELECTION
COMMISSION

November 14, 1977

'77 NOV 15 PM 2:59
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

703334

RE: MUR 455

Dear Mr. Oldaker:

On Friday, November 11, 1977 I received your letter dated November 9, 1977, sent certified mail, regarding the above matter.

Your letter states that the enclosure had been previously mailed on October 26, 1977. I never received that letter, and I notice that the letter of October 26 was sent certified mail, return receipt requested. I assume that no one signed for that letter on my behalf. If that assumption is incorrect, please let me know immediately.

In addition to informing you of the above, I wish by this letter to assure you of my eagerness to respond to your questions as quickly as possible. I note that your letter of October 26 sets forth five questions which are identical to the questions posed to the Treasurer of the Costanza for Congress Finance Committee, Sandra Adams. I have reviewed the letter Ms. Adams sent on November 8, 1977 to Lester Scall. I feel that those questions were properly answered in that letter. If there is any dissatisfaction by the Federal Elections Commission to any aspects of those answers, I strongly urge you to contact me or Ms. Adams immediately.

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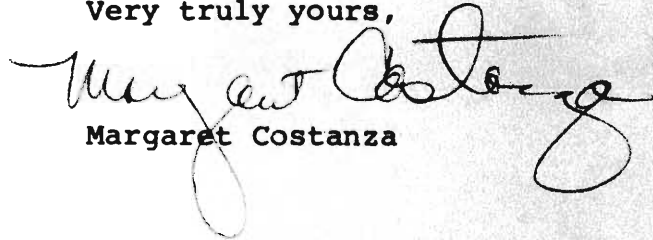
78040043837

Page 2
Mr. Oldaker

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Very truly yours,


Margaret Costanza

The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037

78040013833

011830
Margaret Costanza
The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

011830
CERTIFIED

No. 753064

MAIL

Mr. William C. Oldaker
General Counsel
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

PM 2:59

703326

November 14, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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In addition to the five questions, your letter of October 26 to me refers in the second paragraph to the repayment of a loan to me totalling \$17,045.45. You say that since the amount exceeds \$5,000, I am "...therefore required to submit a report." If there is a form of such report, I would appreciate your office sending me same as quickly as possible. If there is no such form, would you kindly inform me as to the nature of such a report, specifically, what details would you wish included in such a report.

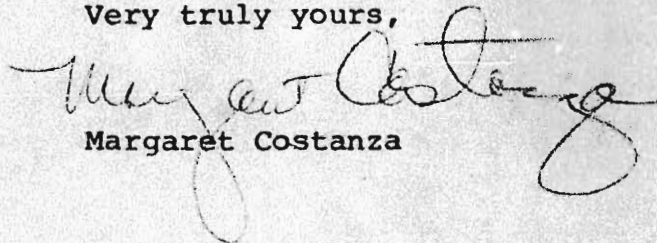
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Page 2
Mr. Oldaker

I am a little confused because in a letter to me from Orlando E. Potter of the Federal Elections Commission dated June 10, 1977, I was informed that my campaign Committee had a continuing responsibility to report, and that as far as I was concerned, "...the Commission regards your 1976 candidate status as terminated..."

Since your letter requests a response within 10 days, I will try to reach you or your office by phone immediately in the hope that the matter can be expedited.

Very truly yours,


Margaret Costanza

The Plaza
800 25th Street, N.W.
Apt. 703
Washington, D.C. 20037

78040043841



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

14 JUN 1977

Ms. Margaret Costanza
112 Powers Bldg
Rochester, NY

Dear Ms. Costanza:

78040043842
Your reports of receipts and expenditures on file with the Commission do not indicate that you have any outstanding debts and obligations for which you are "personally obligated" in connection with the 1976 election; thus, under Section 101.1 of the Commissions Regulations your 1976 candidate status is regarded as terminated. Consequently, if in fact you have no outstanding debts or obligations related to a 1976 campaign for which you are personally obligated, then you have no obligation as a 1976 candidate to file reports covering any periods in 1977. However, this does not relieve you of the obligation to supply information that may have been omitted from your personal reports and statements filed in connection with the 1976 election.

Even though the Commission regards your 1976 candidate status as terminated, your principal campaign committee and any committees authorized by you must continue filing reports until a valid Termination Report is filed as required by Section 102.4 of the Regulations.

Should you wish to remain on our information mailing list, please fill out the enclosed postcard and return it to the Commission. You will then receive the RECORD, a monthly newsletter, which will keep you abreast of all FEC activities.

In addition, you should be aware of your obligation if candidate status is triggered for a 1978 (or other future election) as provided by 2 U.S.C. §431(b) or Section 100.2 of the Regulations:

*100.2. Definition of Candidate.

An individual is a candidate for Federal office, whether or not elected, whenever any of the following events occur:

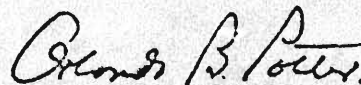


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- (a) The individual has taken action necessary, under relevant State law, to qualify in a primary, runoff, special or general election, convention or caucus; or
 - (b) the individual has received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view toward bringing about his or her election; or
 - (c) if after written notification by the Commission that any other person is receiving contributions or making expenditures on the individual's behalf, the individual fails to disavow this activity by letter to the Commission within 30 days of receipt of the notification."

Once the candidate status has been triggered for a future election, a candidate must designate within 30 days both a principal campaign committee (or redesignate a continuing committee from the 1976 campaign) and a campaign depository (or redesignate a former one); the candidate also needs to renew a request for a waiver of personal candidate reporting (if desired). (See Sections 101.1, 101.2 and 101.3 of the Regulations). You may designate the principal campaign committee and the despository and request the candidate reporting waiver by completing the enclosed FEC Form 2, Statement of a Candidate, or by a letter containing the same information.

If you have any further questions please contact the Office of Public Communications at the above address, or at 202/523-4068 - toll free 800/424-9530.

Sincerely,



Orlando B. Potter
Staff Director

Attachment as stated

787400438
M. Castanza

Confidential
Urgent

Hand Delivered

Mr. William C. Oldaker,
General Counsel, F.E.C.,
1325 K. St. N.W.
Wash. D.C.

NCC ~~2017~~
703273

November 8, 1977

Mr. Lester Scall
Attorney
Federal Election Commission
1325 K Street
Washington, D.C. 20463

RE: MUR 455
Ltr. 10/26/77

Dear Mr. Scall:

The letter from Mr. Oldaker of October 26 set forth five questions:

- (1) At what bank and under what account number were the proceeds from the fundraiser deposited?

All funds received by the Costanza for Congress Finance Committee were deposited at the First National Bank of Rochester, 35 State Street, Rochester, New York 14614, in Account No. 01046403 00.

- (2) Were any \$500 tickets purchased from the Committee prior to April 11?

There were no tickets purchased from the Committee at any time. There were contributions that were made to the Committee, and all such contributions were committed by the donors on April 7, 1977.

- (3) Were any expenses incurred for the fundraiser prior to April 7?

There were no expenses incurred by the Committee for the fundraiser prior to April 7.

- (4) Were any expenses incurred for anything other than catering for the fundraiser -- e.g., plane fare, accommodations, etc.?

There were no expenses incurred for anything other than catering for the fundraiser. Accommodations

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Mr. Lester Scall
November 8, 1977
Page 2

and plane expenses or other travel expenses were borne by the individuals who attended, if such accommodations or travel were necessary.

(5) Please state your reason for not submitting the July 10 report in a timely fashion as required by 2 USC § 434.

As a result of the fundraiser of April 7, approximately \$21,000 was collection. I was eager to pay off all the outstanding debts, dissolve the Committee, and to file a final report. Since the fundriaser produced a surplus of approximately \$3,000 beyond the Committee's expenses, I was unsure as to the proper disposition of the balance. I made several inquiries of the Federal Election Commission in an effort to seek guidance. My indecision about the surplus therefore explains my delay in getting an earlier start on the preparation of the July 10 report.

Since I was employed during this period by the White House as an Administrative Assistant, the enormous demands on my time for work were overwhelming. As such an employee, I understood myself to be required to complete my work as Treasurer of the Committee on my own time, and there simply was no such time. There was absolutely no intention to file late. This lack of intention is evidenced by the fact that on May 31, 1977, in my letter to Vernon W. Thompson of the Federal Election Commission, I informed the Commission that the Committee had held a fundraiser "...on April 7, 1977 and raised approximately \$20,000." This information need not have been reported at that time since it was beyond the scope of the first quarter report which ended March 31, 1977; this information was required to be included on the second quarter report due July 10 -- that is, five weeks subsequent to the May 31 letter.

Since the second quarter report that was eventually filed reflects the receipts of

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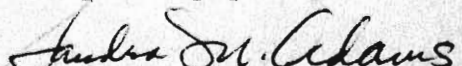
Mr. Lester Scall
November 8, 1977
Page 3

approximately \$20,000, as referred to in the May 31 letter, there can be no question of her intention to file in a timely fashion. While there is no dispute that the report was tardy, the approximate total receipts were reported in the letter of May 31, only the details and the formal fuller explanation were delayed.

While not being a lawyer, I have tried to understand the law as best I could from what I understand to be the applicable statute. I enclose a copy of the statute that I relied on. If there were subsequent amendments or modifications to that statute, I am unaware of them, and I would appreciate your letting me know.

I hope the enclosed information satisfies all your requests. I trust that if there is any further information that you require, you will let me know immediately. And if I do not hear from you in the next several weeks, I will assume your satisfaction.

Very truly yours,


Sandra M. Adams

c/o The Letterman House
2030 F. Street, N.W.
Washington, D.C. 20006

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rendered to or on behalf of a candidate or political committee solely for the purpose of insuring compliance with the provisions of this Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] (unless the person paying for such services is a person other than the regular employer of the individual rendering such services), but amounts paid or incurred for such legal or accounting services shall be reported in accordance with the requirements of section 304(b) [2 USCS § 434]; but

(3) does not include—

(A) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;

(B) the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities;

(C) the sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if such charge for use in a candidate's campaign is at least equal to the cost of such food or beverage to the vendor;

(D) any unreimbursed payment for travel expenses made by an individual who on his own behalf volunteers his personal services to a candidate;

(E) the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines or other similar types of general public political advertising;

(F) any payment made or obligation incurred by a corporation or a labor organization which, under the provisions of section 321(b) [2 USCS § 441(b)], would not constitute an expenditure by such corporation or labor organization;

(G) a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business, but such loans—

(i) shall be reported in accordance with the requirements of section 304(b) [2 USCS § 434(b)]; and

(ii) shall be considered a loan by each endorser or guarantor, in that proportion of the unpaid balance thereof that each endorser or guarantor bears to the total number of endorsers or guarantors; or

(H) a gift, subscription, loan, advance, or deposit of money or anything of value to a national committee of a political party or a State committee of a political party which is specifically designated for the purpose of defraying any cost incurred with respect to the construction or purchase of any office facility which is not acquired for the purpose of influencing the election of any candidate in any particular election for Federal office, except that any such gift, subscription, loan, advance, or deposit of money or anything of value, and any such cost, shall be reported in accordance with section 304(b) [2 USCS § 434(b)]; or

(I) any honorarium (within the meaning of section 328 [2 USCS § 441]);

to the extent that the cumulative value of activities by any person on behalf of any candidate under each of clauses (B), (C), and (D) does not exceed \$500 with respect to any election;

(f) "expenditure"—

(1) means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of—

(A) influencing the nomination for election, or the election, of any person to Federal office, or to the office of presidential and vice-presidential elector; or

(B) influencing the results of a primary election held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President of the United States;

(2) means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure;

(3) means the transfer of funds by a political committee to another political committee; but

(4) does not include—

(A) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party, political committee, or candidate;

(B) nonpartisan activity designed to encourage individuals to register to vote or to vote;

(C) any communication by any membership organization or corporation to its members or stockholders, if such membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election, or election, of any person to Federal office except that the costs incurred by a membership organization, including a labor organization, or by a corporation, directly attributable to a communication expressly advocating the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candi-

which is not made in connection with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(q) "clearly identified" means that (1) the name of the candidate appears; (2) a photograph or drawing of the candidate appears; or (3) the identity of the candidate is apparent by unambiguous reference. (Feb. 7, 1972, P. L. 92-225, Title III, § 301, 86 Stat. 11; Oct. 15, 1974, P. L. 93-443, Title II, §§ 201(a), 208(c)(1), 88 Stat. 1272, 1286; May 11, 1976, P. L. 94-283, Title I, §§ 102, 115(d)(1), (2), (h), 90 Stat. 478, 495.)

Short title.—Act Feb. 7, 1972, P. L. 92-225, § 1, 86 Stat. 3, provided: "this Act [2 USCS §§ 431-439(c), 441, 451-456; 18 USCS §§ 591, 600, 608, 610, 611; 47 USCS §§ 312, 313] may be cited as the 'Federal Election Campaign Act of 1971'."

Act Oct. 15, 1974, P. L. 93-443, § 1, 88 Stat. 1263, provided: "That this Act [2 USCS §§ 431 note, 434 note, 437a-437h, 438 note, 439a-439c, 455, 456; 18 USCS prec. § 591, §§ 591 note, 608 note, 614-617; 26 USCS §§ 9006 note, 9031-9042, and amendments to 2 USCS §§ 431-441, 451-453; 3 USCS prec. § 1501, §§ 1501-1503; 18 USCS prec. § 591, §§ 591, 608, 610, 611, 613, 614-617; 26 USCS §§ 276, 6012, prec. §§ 9001, 9002-9012, 9021; 47 USCS §§ 315, 801-805] may be cited as the 'Federal Election Campaign Act Amendments of 1974'."

Act May 11, 1976, P. L. 94-283, § 1, 90 Stat. 475, provided: "This Act [2 USCS §§ 431 note, 437c note, 441a et seq., 441 note; 26 USCS §§ 9002 note, 9004 note, 9035 note, amendments to 2 USCS §§ 431, 432, 434, 436, 437b et seq.; 18 USCS § 591; 26 USCS §§ 9002 et seq., 9006 et seq., 9012, 9032, 9033, 9035, 9039, and repealing 2 USCS §§ 437a, 441, 456; 18 USCS §§ 608, 610] may be cited as the 'Federal Election Campaign Act Amendments of 1976'."

Effective date.—Act Feb. 7, 1972, P. L. 92-225, Title I, § 408 [406], 86 Stat. 20; Oct. 15, 1974, P. L. 93-443, Title III, § 302, Title IV, § 410, 88 Stat. 1289, 1304, effective Jan. 1, 1975, provided: "Except as provided for in section 401 of this Act [42 USCS § 451], the provisions of this Act [2 USCS §§ 431-441, 451-454; 18 USCS §§ 591, 600, 608, 610, 611; 47 USCS §§ 312, 315, 801-805] shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act [Feb. 7, 1972], whichever is later."

Effective dates of 1974 amendments.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410, 88 Stat. 1304, provided: "(a) Except as provided by subsection (b) and subsection (c), the foregoing provisions of this Act [see short title note to this section] shall become effective January 1, 1975.

"(b) Section 104 [18 USCS § 591 note] and the amendment made by section 301 [amendment to 2 USCS § 453] shall become effective on the date of the enactment of this Act [Oct. 15, 1974].

"(c)(1) The amendments made by sections 403(a) [amendment to 26 USCS § 9006], 404 [amendments to 26 USCS §§ 9002-9007, 9009-9012], 405 [amendments to 26 USCS §§ 9003, 9005], 406 [amendments to 26 USCS § 276, prec. §§ 9001, 9008, 9009, 9012], 407 [26 USCS §§ 9031-9042, amendments to 26 USCS prec. § 1, prec. § 9001, repeal of 26 USCS

§ 9021], and 409 [amendment to 26 USCS § 9009] shall apply with respect to taxable years beginning after December 31, 1974.

"(2) The amendment made by section 407 [amendment to 26 USCS § 6012] shall apply with respect to taxable years beginning after December 31, 1971."

NOTES TO DECISIONS

Reporting and disclosure provisions of act were not overbroad, in violation of First Amendment speech and association rights, insofar as they applied to contributions to minor parties and independent candidates since (1) any serious infringement of First Amendment rights was highly speculative and (2) harm generally alleged was outweighed by substantial government interest in informing public as to source of campaign moneys, deterring corruption, and gathering data to detect violation of act's contributions limitations (18 USCS § 608); blanket exemption for minor parties from reporting and disclosure provisions was not required to protect their right of freedom of association, minor parties could show act's requirements could not be constitutionally applied to them, and evidence offered needed to show only reasonable probability that compelled disclosure of contributors' names would subject them to threats, harassment or reprisals from government officials or private parties; monetary thresholds set in reporting and disclosure provisions of act, in this and following sections, did not violate First Amendment speech and association rights as being overbroad in their extension to contributions as small as \$10 to \$100 since act did authorize disclosure outside commission of contributions between \$10 and \$100, threshold was within reasonable latitude given legislature, Supreme Court couldn't require Congress to establish highest possible threshold, and limits were not wholly without rationality in relation to purposes of act. *Buckley v. Valeo* (1976, US) 46 L. Ed. 2d 659, 96 S. Ct. 612.

Principal congressional concern in enacting Federal Election Campaign Act of 1971 [2 USCS §§ 431 et seq.] was reform of political campaign financing; and reporting, disclosure and registration provisions of Act apply only to political committees soliciting contributions or making expenditures for major purpose of nominating or electing candidates or to expenditures by political committees made with authorization, consent or control of candidates; thus, district court erred in granting preliminary injunction at request of government against "National Committee for Impeachment," which had no connection with any candidate for office. *United States v. National Committee for Impeachment* (1972, CA2 NY) 469 F.2d 1133.

Attack by Conservative Party on Federal Election Campaign Act of 1971, challenging constitutionality of provisions which in effect serve to place ceiling on amounts which candidates may spend for election campaigns, are so insubstantial that three-judge court will not be convened and complaint will be dismissed. *Pichler v. Jennings* (1972, DC NY) 347 F. Supp. 1061.

Organization, on basis of its newspaper advertisement that criticized Nixon administration on issue of school busing, and praised certain congressmen, could not be classified on that ground alone as a political committee. *American Civil Liberties Union, Inc. v. Jennings* (1973, DC Dist. Col.) 366 F. Supp. 1041, *jur. noted* 417 US 944, 41 L. Ed. 2d 664, 94 S. Ct. 3066.

Congressional concern was with political campaign financing, not with the funding of movements dealing with national policy, and expenditures "made for the

purpose of influencing" include expenditures "made with the authorization or consent, express or implied, under the control, direct or indirect, of a candidate or his agents." 2 USCS § 431 is applicable only to committees soliciting contributions or making expenditures the nature or purpose of which is the nomination or election of candidates. *American Civil Liberties Union, Inc. v Jennings* (1973, DC Dist Col) 366 F Supp 1041, *jur noted* 417 US 944, 41 L Ed 2d 664, 94 S Ct 3066.

The regulatory procedure enforcing spending limitations upon candidates for federal office imposed impermissible prior restraints in violation of the First Amendment; regulations required prior certification of statements "in derogation" of any candidate and imposed criminal penalties for publishing an advertisement not meeting certification requirements. *American Civil Liberties Union, Inc. v Jennings* (1973, DC Dist Col) 366 F Supp 1041, *jur noted* 417 US 944, 41 L Ed 2d 664, 94 S Ct 3066.

Action by private citizens for mandamus to force attorney general of United States and United States attorney for District of Columbia to enforce Federal Corrupt Practices Act does not state a claim on which court can grant relief. Apart from the fact that the Act on which this suit is based has since been repealed and replaced by Federal Election Campaign Act of 1971 and apart from the fact that plaintiff admits the attorney general did investigate and refused prosecution of certain persons suggested as violators by plaintiff, the judiciary has no power to compel discretionary action by members of executive branch of government. *Nader v Kleindienst* (1973, DC Dist Col) 375 F Supp 1138.

432. Organization of political committees.—

(a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of \$50 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount of the contribution and the identification of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) identification of every person making a contribution in excess of \$50, and the date and amount thereof and, if a person's contributions aggregate more than \$100, the account shall

include occupation, and the principal place of business (if any);

(3) all expenditures made by or on behalf of such committee; and

(4) identification of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of \$100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds \$100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for periods of time to be determined by the Commission.

(e) [Repealed.]

(e)(1) Each individual who is a candidate for Federal office (other than the office of Vice President of the United States) shall designate a political committee to serve as his principal campaign committee. No political committee may be designated as the principal campaign committee of more than one candidate, except that the candidate for the office of President of the United States nominated by a political party may designate the national committee of such political party as his principal campaign committee. Except as provided in the preceding sentence, no political committee which supports more than one candidate may be designated as a principal campaign committee. Any occasional, isolated, or incidental support of a candidate shall not be construed as support of such candidate for purposes of the preceding sentence.

(2) Notwithstanding any other provision of this title [2 USCS §§ 431-456], each report or statement of contributions received or expenditures made by a political committee (other than a principal campaign committee) which is required to be filed with the Commission under this title shall be filed instead with the principal campaign committee for the candidate on whose behalf such contributions are accepted or such expenditures are made.

(3) It shall be the duty of each principal campaign committee to receive all reports and statements required to be filed with it under paragraph (2) of this subsection and to compile and file such reports and statements, together with its own reports and statements, with the Commission in accordance with the provisions of this title [2 USCS §§ 431-456]. (Feb. 7, 1972, P. L. 92-225, Title III, § 302, 86 Stat. 12, 13; Oct. 15, 1974, P. L. 93-443, Title II, § 202, 208(c)(2), 88 Stat. 1275, 1286; May 11, 1976, P. L. 94-283, Title I, § 103, 90 Stat. 480.)

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the

amendments made to become effective January 1, 1975.

433. Registration Statements.—(a) F which anticipates making expenditures an aggregate amount with the Commission, within ten days later, ten days after information which cicipate it will receive expenditures in excess of \$100 in amount, in existence of this Act (Feb. 7, of organization with time as it prescribes.

(b) The statement shall include—

(1) the name and

(2) the names, address, and occupation of all persons affiliated or connected with the committee;

(3) the area, source, and amount of contributions;

(4) the name, address, and occupation of the custodian of books and records;

(5) the name, address, and occupation of the principal officers, members of the finance committee, and the names of the persons who are members of the finance committee;

(6) the name, address, and occupation of the party affiliation of (A) the committee is supported by any individual, if any, who is supporting for nomination to any public office or position, or (B) the committee is supporting in the name of the party;

(7) a statement of the committee's continuing one;

(8) the disposition of the committee's funds, and, if so, the disposition of all or other repositories;

(9) a listing of all or other repositories;

(10) a statement of the committee's funds, and, if so, the disposition of all or other repositories;

(11) such other information as may be required by the Commission.

(c) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(d) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(e) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(f) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(g) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(h) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(i) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(j) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

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(m) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(n) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(o) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(p) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(q) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

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(s) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(t) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

(u) Any change in the committee's funds, and, if so, the disposition of all or other repositories;

amendments made to this section by that Act "shall become effective January 1, 1975."

433. Registration of political committees—Statements.—(a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Commission a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of \$1,000. Each such committee in existence at the date of enactment of this Act [Feb. 7, 1972] shall file a statement of organization with the Commission at such time as it prescribes.

(b) The statement of organization shall include—

- (1) the name and address of the committee;
- (2) the names, addresses, and relationships of affiliated or connected organizations;
- (3) the area, scope, or jurisdiction of the committee;
- (4) the name, address, and position of the custodian of books and accounts;
- (5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;
- (6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;
- (7) a statement whether the committee is a continuing one;
- (8) the disposition of residual funds which will be made in the event of dissolution;
- (9) a listing of all banks, safety deposit boxes, or other repositories used;
- (10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and
- (11) such other information as shall be required by the Commission.

(c) Any change in information previously submitted in a statement of organization shall be reported to the Commission within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall so notify the Commission.

(e) In the case of a political committee which is not a principal campaign committee, reports and notifications required under this section to be filed with the Commission shall be filed

instead with the appropriate principal campaign committee. (Feb. 7, 1972, P. L. 92-225, Title III, § 303, 86 Stat. 14; Oct. 15, 1974, P. L. 93-443, Title II, §§ 203, 208(c)(3), 88 Stat. 1276, 1286.)

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the amendments made to this section by that Act "shall become effective January 1, 1975."

434. Reports.—(a)(1) Except as provided in paragraph (2), each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the Commission reports of receipts and expenditures on forms to be prescribed or approved by it. The reports referred to in the preceding sentence shall be filed as follows:

(A)(i) In any calendar year in which an individual is a candidate for Federal office and an election for such Federal office is held in such year, such reports shall be filed not later than the tenth day before the date on which such election is held and shall be complete as of the fifteenth day before the date of such election; except that any such report filed by registered or certified mail must be postmarked not later than the close of the twelfth day before the date of such election.

(ii) Such reports shall be filed not later than the thirtieth day after the date of such election and shall be complete as of the twentieth day after the date of such election.

(B) In any other calendar year in which an individual is a candidate for Federal office, such reports shall be filed after December 31 of such calendar year, but not later than January 31 of the following calendar year and shall be complete as of the close of the calendar year with respect to which the report is filed.

(C) Such reports shall be filed not later than the tenth day following the close of any calendar quarter in which the candidate or political committee concerned received contributions in excess of \$1,000, or made expenditures in excess of \$1,000, and shall be complete as of the close of such calendar quarter; except that any such report required to be filed after December 31 of any calendar year with respect to which a report is required to be filed under subparagraph (B) shall be filed as provided in such subparagraph. In any year in which a candidate is not on the ballot for election to Federal office, such candidate and his authorized committees shall only be required to file such reports not later than the tenth day following the close of any calendar quarter in which the candidate and his authorized committees received contributions or made expenditures, or both, the total amount of which, taken together, exceed \$5,000, and such reports shall be complete as of the close of such calendar quarter; except that any

(2) Statement shall be filed political committee shall include subsection (b) whether the expenditure is

with the amount

any person within aggregate amount or together with the full names (occupations and address, if any) of the person, if any, and the date;

proceeds from (A) the sale of tickets, luncheon, rallies, and (B) mass collection of contributions; and (C) sales of campaign pins, buttons, banners, literature

ate, refund, or otherwise not otherwise listed in (b);

ceipts by or for such person, and the reporting of receipts less transfers which support that person do not support more

person to whom the money is by such committee or candidate, the aggregate amount, the amount, date, and the person to whom the expenditure was made

person to whom the money is, salaries, and the amount of \$100 has been otherwise reported, and the purpose of such

expenditures made by the person during the calendar year, and expenditures less amounts which do not

of debts and the committee, in the case of a candidate, may prescribe the periods and the date until such debts are paid, together with the names and conditions of the person or obligation in connection therewith;

pendent expenditures of a political committee, or of a candidate for election or defeat, through a statement required in a manner which is not an expenditure

involved is in support of, or in opposition to, a candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and

(14) such other information as shall be required by the Commission.

When committee treasurers and candidates show that best efforts have been used to obtain and submit the information required by this subsection, they shall be deemed to be in compliance with this subsection.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

(d) This section does not require a Member of the Congress to report, as contributions received or as expenditures made, the value of photographic, matting, or recording services furnished to him by the Senate Recording Studio, the House Recording Studio, or by an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives and who furnishes such services as his primary duty as an employee of the Senate or House of Representatives, or if such services were paid for by the Republican or Democratic Senatorial Campaign Committee, the Democratic National Congressional Committee, or the National Republican Congressional Committee. This subsection does not apply to such recording services furnished during the calendar year before the year in which the Member's term expires.

(e)(1) Every person (other than a political committee or candidate) who makes contributions or independent expenditures expressly advocating the election or defeat of a clearly identified candidate, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 during a calendar year shall file with the Commission, on a form prepared by the Commission, a statement containing the information required of a person who makes a contribution in excess of \$100 to a candidate or political committee and the information required of a candidate or political committee receiving such a contribution.

(2) Statements required by this subsection shall be filed on the dates on which reports by political committees are filed. Such statements shall include (A) the information required by subsection (b)(9), stated in a manner indicating whether the contribution or independent expenditure is in support of, or opposition to, the

candidate; and (B) under penalty of perjury, a certification whether such independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate. Any independent expenditure, including those described in subsection (b)(13), of \$1,000 or more made after the fifteenth day, but more than 24 hours, before any election shall be reported within 24 hours of such independent expenditure.

(3) The Commission shall be responsible for expeditiously preparing indices which set forth, on a candidate-by-candidate basis, all expenditures separately, including those reported under subsection (b)(13), made with respect to each candidate, as reported under this subsection, and for periodically issuing such indices on a timely pre-election basis. (Feb. 7, 1972, P. L. 92-225, Title III, § 304, 86 Stat. 14, 15; Oct. 15, 1974, P. L. 93-443, Title II, § 204(a-d), 208(c)(4), 88 Stat. 1276, 1286; May 11, 1976, P. L. 94-233, Title I, § 104, 90 Stat. 480.)

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the amendments made to this section by that Act "shall become effective January 1, 1975."

Savings provision.—Act Oct. 15, 1974, P. L. 93-443, Titles II, IV, §§ 204(e), 410(a), 88 Stat. 1278, 1304, provided, effective Jan. 1, 1975: "Notwithstanding the amendment to section 304 of the Federal Election Campaign Act of 1971, relating to the time for filing reports, made by the foregoing provisions of this section, nothing in this Act shall be construed to waive the report required to be filed by the thirty-first day of January of 1975 under the provisions of such section 304, as in effect on the date of the enactment of this Act [Oct. 15, 1974]."

As in effect on Oct. 15, 1974, the day of enactment of the Federal Election Campaign Act Amendments of 1974 (Act Oct. 15, 1974), those portions of this section amended by that Act provided as follows:

"(a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and on the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of \$5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

"(b) Each report under this section shall disclose—

"(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of \$100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorser, if any, and the date and amount of such loans; . . .

"(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

"(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of \$100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

"(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses in excess of \$100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

"(11) the total sum of expenditures made by such committee or candidate during the calendar year;

"(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; . . ."

Moreover, this section did not contain, on Oct. 15, 1974, subsecs. (d) and (e).

NOTES TO DECISIONS

Purpose of requirements of provisions at 2 USCS § 434(e) was to achieve full disclosure so as to inform voters and to achieve through publicity maximum deterrence to corruption and undue influence; to avoid unconstitutionality on grounds of overbreadth and vagueness, provisions in § 434(e) must be construed as imposing independent reporting requirements only when specified individuals and groups (1) make contributions earmarked for political purposes or authorized or requested by candidate or his agent, to some person other than candidate or political committee and (2) they make expenditures for communication expressly advocating election or defeat of clearly identified candidate; independent contributions and expenditures by individuals or groups in support of candidates of parties that have been found to be exempt from general disclosure requirements of act (2 USCS § 431 et seq.) because of possibility of violation of First Amendment speech and association rights were exempt from provisions in § 434(e); absent evidence of misuse or undue discriminatory impact, provisions of § 434(d) represented reasonable accommodation between legitimate and necessary efforts of legislators to communicate with constituents and activities designed to win elections by legislators in their other role as politicians. *Buckley v Valeo* (1976, US) 46 L Ed 2d 659, 96 S Ct 612.

435. Requirements relating to campaign advertising.—(a) No person who sells space in a newspaper or magazine to a candidate, or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

(b) Each political committee shall include on

the face or front page of all literature and advertisements soliciting contributions the following notice:

"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C." (Feb. 7, 1972, P. L. 92-225, Title III, § 305, 86 Stat. 16; Oct. 1, 1974, P. L. 93-443, Title II, § 205(a), 88 Stat. 1278.)

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the amendments made to this section by that Act "shall become effective January 1, 1975."

436. Formal requirements respecting reports and statements.—(a) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the Commission in a published regulation.

(b) The Commission may, by a rule of general applicability which is published in the Federal Register not less than 30 days before its effective date, relieve—

(1) any category of candidates of the obligation to comply personally with the reporting requirements of section 304 [2 USCS § 434], if it determines that such action is consistent with the purposes of this Act [see short title note to 2 USCS § 431]; and

(2) any category of political committees of the obligation to comply with the reporting requirements of such section if such committees—

(A) primarily support persons seeking State or local office; and

(B) do not operate in more than one State or do not operate on a statewide basis.

(c) The Commission shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amounts reported as provided in such regulations shall not be considered until actual payment is made.

(d) If a report or statement required by section 303, 304(a)(1)(A)(ii), 304(a)(1)(B), 304(a)(1)(C), 304(c), or 304(e) of this title [2 USCS §§ 433, 434(a)(1)(A)(ii), 434(a)(1)(B), 434(a)(1)(C), 434(c), or 434(e)] to be filed by a treasurer of a political committee or by a candidate or by any other person, is delivered by registered or certified mail, to the Commission or principal campaign committee with which it is required to be filed, the United States postmark stamped on the cover of the envelope or other container in which such report or statement is so mailed shall be deemed to be the date of filing. (Feb. 7, 1972, P. L. 92-225, Title

III, § 306, 86 Stat. 16; 443, Title II, §§ 206, 1278, 1279, 1286; May 11, 1976, P. L. 94-142, Title I, § 115(a), 90 Stat.

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the amendments made to this section by that Act "shall become effective January 1, 1975."

437. Reports on contributions.—(1) represents a State, or any group with officials of a nation respect to matters involving in such State or political party held to nominate a Vice President, or

(2) represents a national making arrangements for party held to nominate a President or Vice President, shall, within sixty days of the date on which presidential electors are chosen, make a financial statement, in such form as the Commission may prescribe, of the funds derived from such sources, and the use of such funds were expended in connection with the election. (Feb. 7, 1972, P. L. 92-225, Title III, § 307, 86 Stat. 16; Oct. 1, 1974, P. L. 93-443, Title II, § 205(a), 88 Stat. 1278.)

Effective date.—Act Oct. 15, 1974, P. L. 93-443, Title IV, § 410(a), 88 Stat. 1304, provided that the amendments made to this section by that Act "shall become effective January 1, 1975."

437a. Reports by candidates.—This section shall apply to any candidate for President or Vice President.

437b. Campaign disbursements.—A candidate shall design a principal campaign committee, and any other person authorized by him to receive contributions on his behalf shall deposit all contributions in a single checking account as the committee at its discretion at the candidate and all contributions received by such account. A candidate shall submit a statement of the Internal Revenue

injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

STATEMENTS FILED WITH STATE OFFICERS

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

PROHIBITION OF CONTRIBUTION IN NAME OF ANOTHER

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

PENALTY FOR VIOLATIONS

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

NOTES TO DECISIONS

Insofar as commission performed rulemaking, adjudicatory, and enforcement functions, method of appointment of its members under § 437c(a)(1) violated principle of separation of powers as contained in Art. II, § 2 cl 2 of Constitution since members exercising these functions were "officers of the United States" within meaning of appointments clause; commission as constituted could properly exercise investigative powers; and de facto validity was accorded commission's past acts. *Buckley v Valeo* (1976, US) 46 L Ed 2d 659, 96 S Ct 612.

437d. Powers of Commission.—(a) The Commission has the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe; and such submission shall be made within such a reasonable period of time and under oath or otherwise as the Commission may determine;

(2) to administer oaths or affirmations;

(3) to require by subpoena, signed by the chairman or the vice chairman, the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3) of this subsection;

(5) to pay witnesses the same fees and mileage as are paid in like circumstances in the courts of the United States;

(6) to initiate (through civil actions for injunctive, declaratory, or other appropriate relief), defend (in the case of any civil action brought under section 313(a)(9) [2 USCS § 437g]), or appeal any civil action in the name of the Commission for the purpose of enforcing the provisions of this Act and chapter 95 and chapter 96 of the Internal Revenue Code of 1954, through its general counsel;

(7) to render advisory opinions under 312 [2 USCS § 437f];

(8) to make, develop, and to amend, and report to the provisions of chapter 95 and chapter 96 of the Internal Revenue Code of 1954 [26 USCS § 9031 et seq.];

(9) to formulate general principles for the administration of this title under 2 USCS § 431 [chapter 96 of the Internal Revenue Code of 1954 [26 USCS § 9001 et seq.];

(10) to conduct investigations expeditiously, to encourage the administration of this title, and to report appropriate law enforcement.

(b) Any United States court, upon petition by the Commission issued under this section, issue an order therewith. Any failure to obey such order may be punished by contempt thereof.

(c) No person shall be subject to any person (other than the United States) for disclosure of the request of the Commission.

(d)(1) Whenever the Commission budget estimate or request for the United States or the Office of Budget, it shall compile a copy of such estimate or gross.

(2) Whenever the Commission legislative recommendations, comments on legislation, or by any Member of the President of the United States Management and Budget, transmit a copy thereof to the Member requesting the agency of the United States authority to require the Commission's legislative recommendations, comments on legislation, to the United States for review, prior to the submission of the recommendations, testimony, or Congress.

(e) Except as provided in 2 USCS § 437g, the power to initiate civil actions under this title shall be the exclusive civil jurisdiction of the provisions of 1972, P. L. 92-225, Title added Oct. 15, 1974, P. L. 93-208(a), 88 Stat. 1282; 26

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(7) to render advisory opinions under section 312 [2 USCS § 437f];

(8) to make, develop such prescribed forms and to amend, and repeal such rules, pursuant to the provisions of chapter 5 of title 5, United States Code [5 USCS §§ 501 et seq.], as are necessary to carry out the provisions of this Act [see short title note to 2 USCS § 431] and chapter 95 and chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.];

(9) to formulate general policy with respect to the administration of this Act [see short title note to 2 USCS § 431] and chapter 95 and chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.];

(10) to conduct investigations and hearings expeditiously, to encourage voluntary compliance, and to report apparent violations to the appropriate law enforcement authorities.

(b) Any United States district court within the jurisdiction of which any inquiry is carried on, may, upon petition by the Commission, in case of refusal to obey a subpoena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(c) No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information at the request of the Commission.

(d)(1) Whenever the Commission submits any budget estimate or request to the President of the United States or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress.

(2) Whenever the Commission submits any legislative recommendations, or testimony, or comments on legislation, requested by the Congress or by any Member of the Congress, to the President of the United States or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress or to the Member requesting the same. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any office or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress.

(e) Except as provided in section 313(a)(9) [2 USCS § 437g], the power of the Commission to initiate civil actions under subsection (a)(6) shall be the exclusive civil remedy for the enforcement of the provisions of this Act. (Feb. 7, 1972, P. L. 92-225, Title III, § 310[311], as added Oct. 15, 1974, P. L. 93-443, Title II, § 204(a), 88 Stat. 1282; May 11, 1976, P. L. 94-

283, Title I, §§ 105, 107, 115(b), 90 Stat. 481, 495.)

Reference in text.—"[T]his Act", referred to in this section, is the "Federal Election Campaign Act of 1971". For a full classification of this Act see the Short title note to 2 USCS § 431.

For effective date of this section, see effective date note to 2 USCS § 437a.

Redesignation.—This section, formerly § 311 of Title III of the Federal Election Campaign Act of 1971, was redesignated by Act May 11, 1976, P. L. 94-283, Title I, § 105, 90 Stat. 481, to be § 316 of Title III of the Federal Election Campaign Act of 1971.

437e. Reports.—The Commission shall transmit reports to the President of the United States and to each House of the Congress no later than March 31 of each year. Each such report shall contain a detailed statement with respect to the activities of the Commission in carrying out its duties under this title, together with recommendations for such legislative or other action as the Commission considers appropriate. (Feb. 7, 1972, P. L. 92-225, Title III, § 311[312], as added Oct. 15, 1974, P. L. 93-443, Title II, § 208(a), 88 Stat. 1283; May 11, 1976, P. L. 94-283, Title I, § 105, 90 Stat. 481.)

For effective date of this section, see effective date note to 2 USCS § 437a.

Redesignation.—This section, formerly § 312 of Title III of the Federal Election Campaign Act of 1971, was redesignated by Act May 11, 1976, P. L. 94-283, Title I, § 105, 90 Stat. 481, to be § 311 of Title III of the Federal Election Campaign Act of 1971.

437f. Advisory opinions.—(a) The Commission shall render an advisory opinion, in writing, within a reasonable time in response to a written request by any individual holding Federal office, any candidate for Federal office, any political committee, or the national committee of any political party concerning the application of a general rule of law stated in the Act or chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], or a general rule of law prescribed as a rule or regulation by the Commission, to a specific factual situation. Any such general rule of law not stated in the Act or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] may be initially proposed by the Commission only as a rule or regulation pursuant to the procedures established by section 313(c) [2 USCS § 438(c)]. No opinion of an advisory nature may be issued by the Commission or any of its employees except in accordance with the provisions of this section.

(b)(1) Notwithstanding any other provision of law, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraph (2) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall

not, as a result of any such violation, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.].

(2) Any advisory opinion rendered by the Commission under subsection (a) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(c) Any request made under subsection (a) shall be made public by the Commission. The Commission shall, before rendering an advisory opinion with respect to such request, provide any interested party with an opportunity to transmit written comments to the Commission with respect to such request. (Feb. 7, 1972, P. L. 92-225, Title III, § 312[313], as added Oct. 15, 1974, P. L. 93-443, Title II, § 208(a), 88 Stat. 1283; May 11, 1976, P. L. 94-283, Title I, §§ 105, 108(a), 90 Stat. 481, 482.)

References in text.—"[T]his Act", referred to in this section, is the "Federal Election Campaign Act of 1971". For a full classification of this Act see the Short title note to 2 USCS § 431.

For effective date of this section, see effective date note to 2 USCS § 437a.

Redesignation.—This section, formerly § 313 of Title III of the Federal Election Campaign Act of 1971, was redesignated by Act May 11, 1976, P. L. 94-283, Title I, § 105, 90 Stat. 481, to be § 312 of Title III of the Federal Election Campaign Act of 1971.

Advisory opinions to be brought into conformance with amended section.—Section 108(b) of Act May 11, 1976, P. L. 94-283, Title I, 90 Stat. 482, provided: "The Commission shall, no later than 90 days after the date of the enactment of this Act [enacted May 11, 1976], conform the advisory opinions issued before such date of enactment to the requirements established by section 312(a) of the Act [2 USCS § 437f], as amended by subsection (a) of this section. The provisions of section 312(b) of the Act [2 USCS § 437f(b)], as amended by subsection (a) of this section, shall apply with respect to all advisory opinions issued before the date of the enactment of this Act [enacted May 11, 1976], as conformed to meet the requirements of section 312(a) of the Act [2 USCS § 437f(a)], as amended by subsection (a) of this section."

437g. Enforcement.—(a)(1) Any person who believes a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] has occurred may file a complaint with the Commission. Such complaint shall be in writing, shall be signed and sworn to by the person filing such complaint, and shall be notarized. Any person filing such a complaint shall be subject to the provisions of section 1001 of title 18, United States Code [18 USCS § 1001]. The

Commission may not conduct any investigation under this section, or take any other action under this section, solely on the basis of a complaint of a person whose identity is not disclosed to the Commission.

(2) The Commission, upon receiving a complaint under paragraph (1), and if it has reason to believe that any person has committed a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], or, if the Commission, on the basis of information ascertained in the normal course of carrying out its supervisory responsibilities, has reason to believe that such a violation has occurred, shall notify the person involved of such alleged violation and shall make an investigation of such alleged violation in accordance with the provisions of this section.

(3)(A) Any investigation under paragraph (2) shall be conducted expeditiously and shall include an investigation, conducted in accordance with the provisions of this section, of reports and statements filed by any complainant under this title, if such complainant is a candidate.

(B) Any notification or investigation made under paragraph (2) shall not be made public by the Commission or by any person without the written consent of the person receiving such notification or the person with respect to whom such investigation is made.

(4) The Commission shall afford any person who receives notice of an alleged violation under paragraph (2) a reasonable opportunity to demonstrate that no action should be taken against such person by the Commission under this Act.

(5)(A) If the Commission determines that there is reasonable cause to believe that any person has committed or is about to commit a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], the Commission shall make every endeavor for a period of not less than 30 days to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved, except that, if the Commission has reasonable cause to believe that—

(i) any person has failed to file a report required to be filed under section 304(a)(1)(C) [2 USCS § 434(a)(1)(C)] for the calendar quarter occurring immediately before the date of a general election;

(ii) any person has failed to file a report required to be filed no later than 10 days before an election; or

(iii) on the basis of a complaint filed less than 45 days but more than 10 days before an election, any person has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.];

the Commission shall make a period of not less than one day between the date upon which the Commission determines there is reasonable cause to believe such a violation has occurred and the date of the election involved to prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved. A conciliation agreement, if entered into, shall constitute a bar to any further action by the Commission, except the bringing of a civil proceeding under paragraph (B).

(B) If the Commission is unable to prevent any such violation by informal methods, the Commission may, if it determines there is reasonable cause to believe that a violation has occurred, institute a civil action to obtain a permanent or temporary restraining order, or any other appropriate relief, including a civil penalty which does not exceed the greater of \$5,000 or an amount of any contribution involved in such violation, in the United States for the district in which the person against whom such action is brought resides, or transacts business, or is found.

(C) In any civil action brought by the Commission under subparagraph (B), the Commission may grant a permanent or temporary restraining order, or other appropriate relief, including a civil penalty which does not exceed the greater of \$5,000 or an amount of any contribution involved in such violation, upon a finding that the person involved has engaged in a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.].

(D) If the Commission determines that there is probable cause to believe that a person has committed a willful violation subject to section 329 [2 USCS § 441(j)] of this title, or a willful violation of a provision of chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq.], which has occurred or is about to occur, the Commission may, in its discretion, refer such apparent violation to the Attorney General of the United States with limitations set forth in subparagraph (6)(A).

(6)(A) If the Commission determines that there is clear and convincing proof of a knowing and willful violation of this Act or of chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq.], which has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a provision that the person involved in such violation shall pay a civil penalty of not less than \$5,000.

any investigation or any other action on the basis of a false identity is not

on receiving a communication and if it has reason to believe that a person has committed a violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq.], or, if the person has information concerning the carrying out of such violation, the person has reason to believe that a violation has occurred, shall notify the person of such alleged violation in accordance with the provisions of

under paragraph (2) of this section and shall institute a civil action in accordance with the provisions of this section, of report to the complainant under paragraph (3) of this section.

investigation made by the Commission shall not be made public by the Commission without the consent of the person receiving such communication with respect to whom

shall afford any person an opportunity to be heard in any proceeding under this section.

the Commission determines that there is probable cause to believe that any person is about to commit a violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq.], the Commission may endeavor for a period of not more than 30 days to correct or prevent such violation by the methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved. If the Commission has reason to believe that a violation has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in subparagraph (A).

the Commission has reason to believe that a violation has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in subparagraph (A).

led to file a report more than 10 days before the date of a

complaint filed less than 10 days before the date of a violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq.];

the Commission shall make every effort, for a period of not less than one-half the number of days between the date upon which the Commission determines there is reasonable cause to believe such a violation has occurred and the date of the election involved, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with the person involved. A conciliation agreement, unless violated, shall constitute a complete bar to any further action by the Commission, including the bringing of a civil proceeding under subparagraph (B).

(B) If the Commission is unable to correct or prevent any such violation by such informal methods, the Commission may, if the Commission determines there is probable cause to believe that a violation has occurred or is about to occur, institute a civil action for relief including a permanent or temporary injunction, restraining order, or any other appropriate order, including a civil penalty which does not exceed the greater of \$5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, in the district court of the United States for the district in which the person against whom such action is brought is found, resides, or transacts business.

(C) In any civil action instituted by the Commission under subparagraph (B), the court may grant a permanent or temporary injunction, restraining order, or other order, including a civil penalty which does not exceed the greater of \$5,000 or an amount equal to the amount of any contribution or expenditure involved in such violation, upon a proper showing that the person involved has engaged or is about to engage in a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.].

(D) If the Commission determines that there is probable cause to believe that a knowing and willful violation subject to and as defined in section 329 [2 USCS § 44(i)], or a knowing and willful violation of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] has occurred or is about to occur, it may refer such apparent violation to the Attorney General of the United States without regard to any limitations set forth in subparagraph (A).

(E) If the Commission believes that there is clear and convincing proof that a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which shall not

exceed the greater of (i) \$10,000; or (ii) an amount equal to 200 percent of the amount of any contribution or expenditure involved in such violation.

(3) If the Commission believes that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] has been committed, a conciliation agreement entered into by the Commission under paragraph (5)(A) may include a requirement that the person involved in such conciliation agreement shall pay a civil penalty which does not exceed the greater of (i) \$5,000; or (ii) an amount equal to the amount of the contribution or expenditure involved in such violation.

(C) The Commission shall make available to the public (i) the results of any conciliation attempt, including any conciliation agreement entered into by the Commission; and (ii) any determination by the Commission that no violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.] has occurred.

(7) In any civil action for relief instituted by the Commission under paragraph (5), if the court determines that the Commission has established through clear and convincing proof that the person involved in such civil action has committed a knowing and willful violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], the court may impose a civil penalty of not more than the greater of (A) \$10,000; or (B) an amount equal to 200 percent of the contribution or expenditure involved in such violation. In any case in which such person has entered into a conciliation agreement with the Commission under paragraph (5)(A), the Commission may institute a civil action for relief under paragraph (5) if it believes that such person has violated any provision of such conciliation agreement. In order for the Commission to obtain relief in any such civil action, it shall be sufficient for the Commission to establish that such person has violated, in whole or in part, any requirement of such conciliation agreement.

(8) In any action brought under paragraph (5) or paragraph (7), subpoenas for witnesses who are required to attend a United States district court may run into any other district.

(9)(A) Any party aggrieved by an order of the Commission dismissing a complaint filed by such party under paragraph (1), or by a failure on the part of the Commission to act on such complaint in accordance with the provisions of this section within 90 days after the filing of such complaint, may file a petition with the United States District Court for the District of Columbia.

(B) The filing of any petition under subparagraph (A) shall be made—

(c) Any member of the Commission, any employee of the Commission, or any other person who violates the provisions of subsection (a)(3)(B) shall be fined not more than \$2,000. Any such member, employee, or other person who knowingly and willfully violates the provisions of subsection (a)(3)(B) shall be fined not more than \$5,000. (Feb. 7, 1972, P. L. 92-225, Title III, § 313[314], as added Oct. 15, 1974, P. L. 93-443, Title II, § 208(a), 38 Stat. 1234; May

Redesignation.—This section, formerly § 315 of Title III of the Federal Election Campaign Act of 1971, was redesignated by Act May 11, 1976, P. L. 94-253, Title I, § 105, 90 Stat. 481, to be § 314 of Title III of the Federal Election Campaign Act of 1971.

(7) to prepare and publish from special reports listing those whom reports were filed as required

Act (8 U.S.C. 1101(a)(20)) [8 USCS § 1101(a)(20)]. (Feb. 7, 1972, P. L. 92-225, Title III, § 324, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 493.)

441f. Prohibition of contributions in name of another.—No person shall make a contribution in the name of another person or knowingly permit his name to be used to effect such a contribution, and no person shall knowingly accept a contribution made by one person in the name of another person. (Feb. 7, 1972, P. L. 92-225, Title III, § 325, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 494.)

441g. Limitation on contribution of currency.—No person shall make contributions of currency of the United States or currency of any foreign country to or for the benefit of any candidate which, in the aggregate, exceed \$100, with respect to any campaign of such candidate for nomination for election, or for election, to Federal office. (Feb. 7, 1972, P. L. 92-225, Title III, § 326, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 494.)

441h. Fraudulent misrepresentation of campaign authority.—No person who is a candidate for Federal office or an employee or agent of such a candidate shall—

(1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or

(2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1). (Feb. 7, 1976, P. L. 92-225, Title III, § 327, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 494.)

441i. Acceptance of excessive honorariums.—No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

(1) any honorarium of more than \$2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than \$25,000 in any calendar year. (Feb. 7, 1976, P. L. 92-225, Title III, § 328, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 494.)

441j. Penalty for violations.—(a) Any person,

following the date of the enactment of this section, who knowingly and willfully commits a violation of any provision or provisions of this Act which involves the making, receiving, or reporting of any contribution or expenditure having a value in the aggregate of \$1,000 or more during a calendar year shall be fined in an amount which does not exceed the greater of \$25,000 or 300 percent of the amount of any contribution or expenditure involved in such violation, imprisoned for not more than 1 year, or both. In the case of a knowing and willful violation of section 321(b)(3) [2 USCS § 441b(b)(3)], including such a violation of the provisions of such section as applicable through section 322(b) [2 USCS § 441c(b)], of section 325 [2 USCS § 441f], or of section 326 [2 USCS § 441g], the penalties set forth in this section shall apply to a violation involving an amount having a value in the aggregate of \$250 or more during a calendar year. In the case of a knowing and willful violation of section 327 [2 USCS § 441h], the penalties set forth in this section shall apply without regard to whether the making, receiving, or reporting of a contribution or expenditure of \$1,000 or more is involved.

(b) A defendant in any criminal action brought for the violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], may introduce as evidence of his lack of knowledge of or intent to commit the offense for which the action was brought a conciliation agreement entered into between the defendant and the Commission under section 313 [2 USCS § 437f] which specifically deals with the act or failure to act constituting such offense and which is still in effect.

(c) In any criminal action brought for a violation of a provision of this Act, or of a provision of chapter 95 or chapter 96 of the Internal Revenue Code of 1954 [26 USCS §§ 9001 et seq., 9031 et seq.], the court before which such action is brought shall take into account, in weighing the seriousness of the offense and in considering the appropriateness of the penalty to be imposed if the defendant is found guilty, whether—

(1) the specific act or failure to act which constitutes the offense for which the action was brought is the subject of a conciliation agreement entered into between the defendant and the Commission under section 313 [2 USCS § 437f];

(2) the conciliation agreement is in effect; and

(3) the defendant is, with respect to the violation involved, in compliance with the conciliation agreement. (Feb. 7, 1972, P. L. 92-225, Title III, § 329, as added May 11, 1976, P. L. 94-283, Title I, § 112(2), 90 Stat. 494.)

Reference in text.—"[T]his Act", referred to in this section, is the "Federal Election Campaign Act of

lack of intent

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Sandra M. Adams
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Mr. Lester Scall
Attorney
Federal Election Commission
1325 F Street, N.W.
Washington, D.C. 20006

HAND DELIVER

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Sandra M. Adams
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lester Scall
Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RETURN RECEIPT REQUESTED

CERTIFIED
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FEDERAL ELECTION
COMMISSION

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S. Adams
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006
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**CERTIFIED MAIL
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Mr. Lester Scall
Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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COMMISSION

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November 7, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: MUR 455
Ltr. 10/26/77

Mr. Lester Scall
Attorney
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Scall:

This will acknowledge receipt on October 28, 1977 of your certified letter dated October 26, 1977, and will confirm my telephone conversation of today, November 7, 1977, with Ms. Susan Callahan of your office.

As I indicated to Ms. Callahan, I have been unable to comply with the 10-day compliance request established in your letter due to the extenuating circumstances of being ill with bronchitis and confined to my home until today. Ms. Callahan approved my extension request for a new compliance date of November 15, 1977, and she and I tentatively established a meeting on November 15 with you in your office, pending your confirmation.

This meeting will be confirmed by my calling your office tomorrow. If the date is not suitable, a new date and time will be established.

Thank you for your consideration.

Sincerely yours,
Sandra Adams
Sandra Adams, Treasurer
Costanza for Congress Finance
Committee

2030 F Street, N.W.
Washington, D.C.
20006

780400043866

GC MUR 45B

1. The following service is requested (check one).
☐ Show to whom and date delivered.
☒ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Ms Costanza THE PLAZA
800 25th St, NW
APT 703
WASHINGTON, DC 20037

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
943055

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

DATE OF DELIVERY 11/11/77 POSTMARK

4. ADDRESS (Complete only if requested)
800-25TH ST, NW

5. UNABLE TO DELIVER BECAUSE: NO POSTAL OFFICE



FEDERAL ELECTION COMMISSION

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

November 9, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Margaret Costanza
The Plaza
800 25th Street, N.W.
Apartment #703
Washington, D.C. 20037

Re: MUR 455

Dear Ms. Costanza:

The enclosed notification was mailed to you by certified mail on October 26, 1977.

Since we have no indication that you have received the letter we are sending it to you again.

Please respond to this notification within ten days of your receipt of it.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

enclosure





FEDERAL ELECTION COMMISSION

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

October 26, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Margaret Costanza
The Plaza
800 25th Street, N.W.
Apartment #703
Washington, D.C. 20037

Re: MUR 455

Dear Ms. Costanza:

On October 20, 1977, the Commission found reason to believe that you, as a candidate, may have committed a violation of 2 U.S.C. §434 for failure to file the July 10, and October 10 quarterly reports.

Your Committee's July 10th report indicates a loan repayment to you totalling \$17,045.45 on April 26. The amount received by you exceeds \$5,000 and you are therefore required to submit a report for the second quarter of 1977, a July 10th report as well as an October 10 report.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within 10 days after your receipt of this notification.

Please include in your response, answers to the following:

- (1) At what bank and under what account number were the proceeds from the fundraiser deposited?



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7 8 0 4 0 0 1 3 8 7 0



FEDERAL ELECTION COMMISSION

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

October 26, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sandra Adams, Treasurer
Costanza for Congress Finance
Committee
c/o The Letterman House
2030 F Street, N.W.
Washington, D.C. 20006

Re: MUR 455

Dear Ms. Adams:

On October 20, 1977, the Commission found reason to believe that the Costanza for Congress Finance Committee may have committed a violation of 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report in a timely fashion.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within 10 days after your receipt of this notification.

Please include in your response, answers to the following:

- (1) At what bank and under what account number were the proceeds from the fundraiser deposited?
- (2) Were any \$500 tickets purchased from your committee prior to April 11?
- (3) Were any expenses incurred for the fundraiser prior to April 7?




- (4) Were any expenses incurred for anything other than catering for the fundraiser, e.g. plane fare, accommodations, etc?
- (5) Please state your reasons for not submitting the July 10th report in a timely fashion as required by 2 U.S.C. §434.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a) (3) unless you notify the Commission in writing you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Please direct any questions concerning this matter to Lester Scall (telephone no. 523-4052), the attorney assigned to this case.

Sincerely yours,



William C. Oldaker
General Counsel

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<p>1. The following service is requested (check one):</p> <p><input type="checkbox"/> Return to sender (not to be delivered)</p> <p><input type="checkbox"/> Return to addressee (not to be delivered)</p> <p><input type="checkbox"/> Return to addressee (not to be delivered)</p> <p><input type="checkbox"/> RETURNED DELIVERY</p> <p><input type="checkbox"/> RETURNED DELIVERY</p> <p><input type="checkbox"/> RETURNED DELIVERY</p> <p>(CONSULT POSTMASTER FOR THIS)</p>		<p>2. Addressee's name, address, and city, state, and zip code:</p> <p>Mr. Scall, Treasurer of the Legislature 2030 F St. N.W. Washington, D.C. 20006</p>		<p>3. Addressee's telephone number:</p> <p>523-4052</p>		<p>4. Addressee's business title:</p> <p>General Counsel</p>		<p>5. Addressee's business address:</p> <p>2030 F St. N.W.</p>		<p>6. Addressee's business city, state, and zip code:</p> <p>Washington, D.C. 20006</p>	
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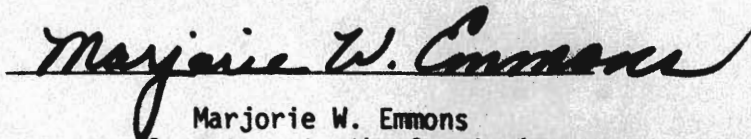
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Margaret Costanza)
Costanza for Congress)
Finance Committee)

MUR 455 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 20, 1977, the Commission approved the recommendation of the General Counsel to find Reason to Believe that a violation of 2 U.S.C. Section 434 had been committed by Margaret Costanza and the Costanza for Congress Committee.


Marjorie W. Emmons
Secretary to the Commission

78040043873

FEDERAL ELECTION COMMISSION
325 K Street N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR NO. 455
DATE COMPLAINT RECEIVED
BY OGC 10/11/77

ATTORNEY _____

STAFF MEMBER Callahan

COMPLAINANT'S NAME: Information ascertained by the Commission in the course of carrying out its supervisory responsibilities.

RESPONDENT'S NAME: Margaret Costanza
Costanza for Congress Finance Committee

RELEVANT STATUTE: 2 U.S.C. §434

INTERNAL REPORTS CHECKED: Candidate/Committee Reports

FEDERAL AGENCIES CHECKED: N/A

SUMMARY OF ALLEGATIONS

On October 8, 1977, Reporter Walter Pincus of the Washington Post released information alleging that Margaret Costanza and her principal Campaign Committee, Costanza for Congress Finance Committee, had violated 2 U.S.C. §434 for failure to file the July 10, 1977 quarterly report. The Costanza for Congress Finance Committee filed the July 10 and October 10 reports on October 12. As of this writing, Margaret Costanza has not personally filed the July 10 or the October 10 reports.

Margaret Costanza confirmed, in a news interview, that on April 7 a \$500 per ticket fundraiser was held to repay outstanding debts owed to her by the Costanza for Congress Committee, for debts incurred during Costanza's 1974 campaign for congress.

Commission contact with Costanza's committee concerning this matter are as follows:

By letter dated May 31, 1977, responding to a reasonable cause to believe letter for failure to file the April 10 report, Sandra Adams treasurer for the Costanza for Congress Finance Committee, indicated that a fundraiser had been held by the Committee on April 7, 1977. In the same letter (attached), Ms. Adams also stated that she expected to receive the necessary documentation regarding the fundraiser in time to file the next quarterly report, that report being the July 10 quarterly report.

SUMMARY OF ALLEGATIONS CONTINUED

On August 25th, Treasurer Adams contacted the Commission requesting assistance in completing the committee's July 10th report. Ms. Adams called again on August 26th and asked specific questions regarding the committee's reporting obligations for the fundraiser as well as guidelines for termination of the committee.

The Disclosure Division expressed a willingness to assist Costanza's committee in this matter and a meeting was scheduled with FEC staff and Ms. Adams for August 29th; Ms. Adams did not keep the scheduled appointment.

On August 31st, the Disclosure Division again tried to contact Ms. Adams but received no response. As of October 11, 1977, the last contact the Disclosure Division had with the treasurer was on August 26.

PRELIMINARY LEGAL ANALYSIS

As set forth in 2 U.S.C. §434, in a non election year, candidates and their authorized committees are required to file reports:

... not later than the 10th day following the close of any calendar quarter in which that candidate and his authorized committee received contributions or made expenditures, or both, the total amount of which, taken together, exceeds \$5,000, and such reports shall be complete as of the close of such calendar quarter...

Margaret Costanza has not filed the July 10 and the October 10 report; the Costanza for Congress Finance Committee filed the July 10 report on October 12, ninety days after the due date required by the Act.

The committee's July 10th report shows a "loan repayment" of \$17,045.45 made to the candidate on April 26, 1977. Therefore, both the candidate and the committee were required to file a report for the second quarter of 1977 in light of the fact that receipts of the candidate and the committee exceeded \$5,000.

Ms. Costanza, according to news quotes, knew of her reporting obligations, stating that she did not have time to file the reports. Since Treasurer Adams clearly knew of the responsibility and failed to keep a scheduled appointment with FEC representatives concerning this matter, it appears that Margaret Costanza and Costanza for Congress Finance Committee, may have committed a knowing and willful violation of 2 U.S.C. §434.

A review of reports from 1974 to the present, indicates the possibility that other violations may have occurred for both Costanza and her committee. Although the Costanza for Congress Finance Committee listed the outstanding debts owed to the candidate, Ms. Costanza's reports do not reflect any loan activity from the candidate to the committee other than her 5 day pre primary report submitted September 5, 1974. On the September 5th report, Costanza indicates that a \$7,500 loan from her to the Committee was made for an aggregate total of \$10,788.34 in loans from her to the Committee. All other reports filed by the candidate show no financial activity.

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PRELIMINARY LEGAL ANALYSIS CONTINUED

The Committee's July 10th report lists no receipts prior to April 11, 1977. It appears that this may have been the date on which the contributions were recorded, not the actual date on which they were received. The Committee lists a total of \$552 in expenses used to finance the fundraiser for such items as "cater(ing), food, drinks, etc." There are no expenditures listed for air fare, accommodations and the like.

The Office of General Counsel will conduct an investigation to ascertain whether any further violations have occurred.

RECOMMENDATION

It is recommended that the Commission find reason to believe that a violation of 2 U.S.C. §434 has been committed by Margaret Costanza and Costanza for Congress Finance Committee and send the attached notification.

78040043876

NY 35

May 31, 1977

Mr. Vernon W. Thomson
Commissioner
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

C 43681

Dear Mr. Thomson,

Upon receipt of your Commission letter (certified mailgram #WA12915-A1127-00252) on May 20, 1977, which was sent to Ms. Costanza, I phoned your office to notify you that the Candidate or Committee had no transaction during the quarter or, since the year-end report of 1976.

I'm sorry that I was not aware of the new Commission ruling, which now requires quartily reporting. I was going according to a previous ruling, of, "once a year, year-end reporting", if "no activity", had occurred. I therefore aplogize to you on behalf of the Candidate and myself, for the additional paperwork and effort you had to perform.

Enclosed , please find FEC form 3A postcard for Candidate and Committee, ID# 043681 for April 10th, reporting as required.

For the record, this Committee held a Fundraiser on April 7, 1977 and raised approximately \$20,000.00.

All of the checks covering the amount mentioned, have not been collected or received. I do anticipate receiving it, by the next filing quarter.

If all money committed at that Fundraiser is received, I will issue checks to pay all debts, and "TERMINATE", the Committee in the next quartily report.

Also, please be advised of address changes for Ms. Costanza and myself as per attached.

Sincerely,

Sandra M. Adams
Sandra M. Adams, Treasurer
Costanza for Congress

Enclosures

Y.C. COSTANZA, M.
- Comm FLE

78040043681
77011250249

HAND DELIVERED

**Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office**

RECEIVED
OFFICE OF RECORDS & ADMINISTRATION

1977 OCT 12 PM 3:26

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with a primary election must maintain separate records with respect to each election.

U.S. HOUSE OF REPRESENTATIVES

1(a) Name of Candidate or Committee (in full) ☐ Check if name or address is changed

2 Identification Number

COSTANZA FOR CONGRESS FINANCE COMMITTEE

HR # 043681

(b) Address (number and street)

2030 F. STREET N.W.

(c) City, State and ZIP code

WASHINGTON, D.C. 20006

3(a) Is this a report of receipts and expenditures for only one election? ☒ Yes ☐ No

(b) If "Yes," for which election?

GENERAL (general, primary, runoff)

on *11/74* (date)

4 Type of Report (Check appropriate box and complete, if applicable)

(a) ☐ Amendment For

(Which report)

(c) ☒ July 10 Quarterly Report

(d) ☐ October 10 Quarterly Report

(b) ☐ April 10 Quarterly Report

(h) ☐ Tenth day report preceding _____ election on _____ in the State of _____
(primary, general or convention) (date)

(i) ☐ Thirtieth day report following _____ election on _____ in the State of _____
(primary, general or convention) (date)

(e) ☐ January 31 Year End Report

(f) ☐ Monthly Report

(Month)

(g) ☐ Termination Report

Candidate or Committee Summary of Receipts and Expenditures

5 Covering Period: From *APRIL, 1977* Through *JUNE, 1977*

Section A - Cash Balance Summary

Column A
This Period

Column B
Calendar Year-To-Date

6 Cash on hand January 1, 1977

\$ *171.28*

7 Cash on hand at beginning of reporting period

\$ *171.28*

8 Total receipts (from line 19)

\$ *21,052.00* \$ *21,052.00*

(a) Subtotal (Add lines 7 and 8)

\$ *21,223.28* \$ *21,223.28*

9 Total expenditures (From line 25)

\$ *17,597.45* \$ *17,597.45*

10 Cash on hand at close of reporting period (Subtract line 9 from line 8)

\$ *3,625.83* \$ *3,625.83*

11 Contributed items on hand to be liquidated (attach itemized list)

**Section B - Presidential Campaign Expenditures Subject to Limitation - Summary
(To Be Used Only By Presidential Candidates Receiving Federal Funds)**

12 Operating expenditures (from line 20)

\$ \$

13 Expenditures subject to limitation (from line 17)

\$ \$

14 (a) Expenditures subject to limitation (Subtract line 13 from line 12)

\$ \$

(b) Expenditures from prior years subject to limitation

\$ \$

(c) Total expenditures subject to limitation (Add lines 14a and 14b)

\$ \$

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

Sandra M. Adams, Treasurer

(Typed Name of Treasurer or Candidate)

Sandra M. Adams, Treasurer (Signature of Treasurer or Candidate)

10/10/77 (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 or § 441j (See reverse side of form)

For further
information
Contact:

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

Any information reported herein may not be copied for sale or use by any person for purposes of soliciting contributions or for any commercial purpose.

7064412056

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

HR# 043681

Name of Candidate or Committee <i>COSTANZA FOR CONGRESS FINANCE COMMITTEE</i>		REPORT COVERING THE PERIOD FROM: TO:	
		Column A This Period	Column B Calendar year-to-date
PART I - RECEIPTS			
15 Contributions and other income:			
(a) Itemized (use Schedule A)		\$ 16,052.00	
(b) Unitemized		\$	
(c) Sales and Collections Included Above:			
List by event on memo Schedule D (\$ _____)			
(d) Subtotal of contributions and other income		\$ 16,052.00	\$ 16,052.00
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$	\$
17 Refunds, Rebates, Returns Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, returns		\$	\$
18 Transfers In:			
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount)		\$	
(b) From other Committees (Itemize on Schedule A Regardless of Amount)		\$ 5,000.00	
(c) Subtotal of transfers in		\$ 5,000.00	\$ 5,000.00
19 Total Receipts		\$ 21,052.00	\$ 21,052.00
PART II - EXPENDITURES			
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):			
(a) Itemized (use Schedule B) <i>(C.H. KUNA - PARTY EXPENSE)</i>		\$ 552.00	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ 552.00	\$ 552.00
21 Independent Expenditures (use Schedule E)		\$	\$
22 Loans, Loan Repayments, and Contribution Refunds Made:			
(a) Itemized (use Schedule B)		\$ 17,045.45	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ 17,045.45	\$ 17,045.45
23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting Expenditures:			
(a) itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$	\$
24 Transfers Out:			
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)		\$	
(b) To Other Committees (Itemize on Schedule B Regardless of Amount)		\$	
(c) Subtotal of transfers out		\$	\$
25 Total Expenditures		\$ 17,597.45	\$ 17,597.45
PART III - DEBTS AND OBLIGATIONS			
26 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$ - 0 -	
27 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ 570.77	
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES			
28 Total Receipts (from line 19)		\$ 21,052.00	
29 Transfers In (from line 18(a))		\$ - 0 -	
30 Net Receipts (Subtract line 29 from line 28)		\$ 21,052.00	
31 Total Expenditures (from line 25)		\$ 17,597.45	
32 Transfers out (from line 24(a))		\$ - 0 -	
33 Net Expenditures (Subtract line 32 from line 31)		\$ 17,597.45	

7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 1 of 8 for

LINE NUMBER 15

(Use separate schedule(s) for each numbered line)

HR # 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

MICHAEL MILLER
114 OAKDALE DRIVE
ROCHESTER, NEW YORKDate (month,
day, year)

4/11/77

Amount of each
receipt this period

250.00

Principal place of business

SUITE 500
POWERS BUILDING
ROCHESTER, NEW YORK, 14614

Occupation

ATTORNEY

☒ Check if Contributor is self-employed

Aggregate Year-to-date \$ 250.00

Full Name, mailing address and ZIP code

MICHAEL VERO
24 PARKINGTON MEADOW
ROCHESTER, NEW YORK, 14625Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Principal place of business

METRO PARK
ROCHESTER, NEW YORKOccupation ADVERTISING, BUSINESS
EXECUTIVE☒ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Full Name, mailing address and ZIP code

J. RICHARD WILSON
45 ELM LANE
ROCHESTER, NEW YORK, 14610Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Principal place of business

ROCHESTER, NEW YORK

Occupation BUSINESSMAN - VARIOUS

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Full Name, mailing address and ZIP code

WILLIAM G. MENDICK
484 WIMBLEDON ROAD
ROCHESTER, NEW YORK, 14617Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Principal place of business

ROCHESTER, NEW YORK

Occupation BUSINESS MAN - BUILDER
AND DEVELOPER☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Full Name, mailing address and ZIP code

ARMAND CASTELLANI
60 BINGENS STREET
BUFFALO, NEW YORK, 14206Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Principal place of business

BUFFALO, NEW YORK

Occupation BUSINESS EXECUTIVE -
FOOD BUSINESS -☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Full Name, mailing address and ZIP code

EDWARD AND SHIRLEY STORTO
72 WASHINGTON ROAD
PITTSFORD, NEW YORK, 14534Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Principal place of business

ROCHESTER NEW YORK

Occupation BUSINESS EXECUTIVE
BUILDER & DEVELOPER -☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Subtotal of receipts this page (optional)

\$ 2,750.00

Total this period (last page this line number only)

\$ 14,052.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see Instructions on back)

Page 2 of 8 for

LINE NUMBER 15

(Use separate schedule(s) for each numbered line)

HR# 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

MR. RAYMOND SHAHEEN
233 PINECREST DRIVE
ROCHESTER, NEW YORK, 14617

Date (month, day, year)

Amount of each receipt this period

Principal place of business

SHAHEEN PAINT COMPANY
ST. PAUL STREET
ROCHESTER, NEW YORK

Occupation BUSINESS EXECUTIVE

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. FRED FINUCANE
2555 EAST AVENUE
ROCHESTER, NEW YORK, 14610

Date (month, day, year)

Amount of each receipt this period

Principal place of business

SUITE 1200
183 EAST MAIN STREET
ROCHESTER, NEW YORK, 14609

Occupation BUSINESS EXECUTIVE

EMANCIPATOR & INVESTOR —

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. MILTON KEE
1900 COUNCIL ROCK AVENUE
ROCHESTER, NEW YORK, 14610

Date (month, day, year)

Amount of each receipt this period

Principal place of business

DOMINE BUILDERS Supply
155 GOULD STREET
ROCHESTER, NEW YORK

Occupation BUSINESS EXECUTIVE

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

4/11/77

100.00

Full Name, mailing address and ZIP code

ANTHONY J. COLUCCI
518 STATLER HILTON HOTEL
BUFFALO, NEW YORK, 14202

Date (month, day, year)

Amount of each receipt this period

Principal place of business

— SAME —

Occupation ATTORNEY

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 250.00

4/11/77

250.00

Full Name, mailing address and ZIP code

BASIL R. PIAZZA,
SUITE 1300
HILTON HOTEL
BUFFALO, NEW YORK, 14202

Date (month, day, year)

Amount of each receipt this period

Principal place of business

— SAME —

Occupation ATTORNEY

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 250.00

4/11/77

250.00

Full Name, mailing address and ZIP code

MR. ISYDOR KASSER
GENESSEE BUILDING
BUFFALO, NEW YORK, 14202

Date (month, day, year)

Amount of each receipt this period

Principal place of business

— SAME —

Occupation REAL ESTATE & INSURANCE
BUSINESS EXECUTIVE☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

4/11/77

100.00

Subtotal of receipts this page (optional)

▶ \$ 1,700.00

Total this period (last page this line number only)

▶ \$ 16,052.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see Instructions on back)

Page 3 of 8 forLINE NUMBER 15

(Use separate schedule(s) for each numbered line)

HR #043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

MR IRVING FUDERMAN
120 DELEWARE AVENUE
BUFFALO, NEW YORK

Principal place of business

- SAME -

Occupation

ATTORNEY

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

100.00

Full Name, mailing address and ZIP code

MR THOMAS G. KOBUS
921 MARINE TRUST BUILDING
BUFFALO, NEW YORK, 14203

Principal place of business

- SAME -

Occupation

ATTORNEY

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

100.00

Full Name, mailing address and ZIP code

MR. MICHAEL R. MILITELLO
229 ALLEN STREET
BUFFALO, NEW YORK, 14201

Principal place of business

MULLIGAN'S BRICK BAR
BUFFALO, NEW YORK

Occupation

BUSINESSMAN -

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 200.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

200.00

Full Name, mailing address and ZIP code

GERALD M. TRAFALSKI
38 BIDWELL PARKWAY
BUFFALO, NEW YORK, 14202

Principal place of business

880 PRUDENTIAL BUILDING
BUFFALO, NEW YORK, 14202

Occupation

ATTORNEY

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

100.00

Full Name, mailing address and ZIP code

MR. ROBERT P. JOHNSON
141 WESTGATE ROAD
KENMORE, NEW YORK

Principal place of business

BUFFALO, NEW YORK

Occupation

COUNTY WORKER -

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

100.00

Full Name, mailing address and ZIP code

MRS. JOSEPH FORNA
AURORA ROAD
LANCASTER, NEW YORK, 14086

Principal place of business

HOUSEWIFE

- SAME -

Occupation

HOUSEWIFE

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ 100.00

Date (month, day, year)

4/11/77

Amount of each receipt this period

100.00

Subtotal of receipts this page (optional) ▶ \$ 700.00

Total this period (last page this line number only) ▶ \$ 16,052.00

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see Instructions on back)

Page 4 of 8 for
LINE NUMBER 15
(Use separate schedule(s) for each
numbered line)
HR # 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
MR. ROBERT S. PACHOLSKI 68 S. PIERCE STREET BUFFALO, NEW YORK, 14206		4/11/77	100.00
Principal place of business	Occupation		
- SAME -	UNKNOWN		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 100.00			
MR. SYDNEY S. BARON 540 MADISON AVENUE NEW YORK, NEW YORK, 10022		4/11/77	500.00
Principal place of business	Occupation		
SIDNEY S. BARON & CO.	PUBLIC RELATIONS EXECUTIVE		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 500.00			
ANGIER BIDDLE DUKE & ROBIN CHANDLER DUKE 30 WEST 54TH STREET NEW YORK, NEW YORK, 10022		4/11/77	500.00
Principal place of business	Occupation		
- SAME -	PHILANTHROPIST		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 500.00			
CHARLES H. DYSON 24 THOMPSONS ROAD SCARSDALE, NEW YORK		4/11/77	500.00
Principal place of business	Occupation		
230 PARK AVENUE	INDUSTRIALIST		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 500.00			
HAROLD L. FISHER 188 MONTAGUE STREET BROOKLYN, NEW YORK, 11201		4/11/77	500.00
Principal place of business	Occupation		
- SAME -	ATTORNEY		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 500.00			
MR. GEORGE JAFFEE 25 MONTROSE PLACE MELVILLE, NEW YORK, 11746		4/11/77	500.00
Principal place of business	Occupation		
16 COURT STREET	BUSINESS EXECUTIVE - BUILDER		
<input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date ▶ \$ 500.00			
Subtotal of receipts this page (optional)			\$ 2,600.00
Total this period (last page this line number only)			\$ 16,052.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 5 of 8 for

LINE NUMBER 15

(Use separate schedule(s) for each numbered line)

HR #043681

Name of Candidate or Committee in full

COSTANZI FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

MR. IRVING H. KANAREK
860 EAST 13TH STREET
BROOKLYN, NEW YORK, 11230

Date (month, day, year)

Amount of each receipt this period

Principal place of business

KANAREK & JACOBS
1180 AVENUE OF AMERICANS
NEW YORK CITY, NEW YORK, 10036

Occupation

ACCOUNTANT, CMAA.
BUSINESS EXECUTIVE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. LEWIS RUDIN
345 PARK AVENUE
NEW YORK CITY, NEW YORK, 10022

Date (month, day, year)

Amount of each receipt this period

Principal place of business

- SAME -

Occupation

REALTOR -
BUSINESS EXECUTIVE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. HOWARD J. SAMUELS
7 WEST 81ST STREET
NEW YORK CITY, NEW YORK

Date (month, day, year)

Amount of each receipt this period

Principal place of business

HOWARD J. SAMUELS ENTERPRISES
355 LEXINGTON AVENUE
NEW YORK CITY, NEW YORK, 10017

Occupation

BUSINESS EXECUTIVE -
CAPITALIST

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. CHARLES S. SIMONDS
253 RIVERDALE AVENUE
WESTPORT, CONNECTICUT, 06880

Date (month, day, year)

Amount of each receipt this period

Principal place of business

SYMON CO, INC
DARIEN, CONNECTICUT.

Occupation

BUSINESS EXECUTIVE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. MAURICE SONNENBERG
580 FIFTH AVENUE
NEW YORK CITY, NEW YORK, 10036

Date (month, day, year)

Amount of each receipt this period

Principal place of business

- SAME -

Occupation

BUSINESS MAN, VARIOUS

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

4/11/77

500.00

Full Name, mailing address and ZIP code

MR. JAY WALLS
200 PARK AVENUE
NEW YORK CITY, NEW YORK, 10017

Date (month, day, year)

Amount of each receipt this period

Principal place of business

80 SHADOWBROOK ROAD
SCARSDALE, NEW YORK

Occupation

BUSINESS MAN - VARIOUS
INVESTOR

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 200.00

4/11/77

200.00

Subtotal of receipts this page (optional)

\$ 2,700.00

Total this period (last page this line number only)

\$ 16,052.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 6 of 8 for
LINE NUMBER 15
(Use separate schedule(s) for each
numbered line)

NR# 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

*MR. PETER ARON
119-120 STATE STREET
BROOKLYN HEIGHTS, NEW YORK, 11201*

Principal place of business

- SAME -

Occupation *BUSINESS EXECUTIVE*

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *500.00*

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

*NAT & MARTORIE KALIKOW
860 FIFTH AVENUE
NEW YORK CITY, NEW YORK 10021*

Principal place of business

- SAME -

Occupation *BUSINESS EXECUTIVE*

DEVELOPER & BUILDER -

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *500.00*

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

*MR. GERALD DOWERY
SUITE 904
15 BEACON STREET
BOSTON, MA, 02108*

Principal place of business

- SAME -

Occupation *ATTORNEY, & BUSINESS
EXECUTIVE - VARIOUS*

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *500.00*

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

*MR. ARTHUR KLEIN
97-77 QUEENS BOULEVARD
REGO PARK, NEW YORK, 11374*

Principal place of business

*LEASING COMPANY
97-77 QUEENS BLVD.
REGO PARK, NEW YORK CITY, 11374*

Occupation *BUSINESS EXECUTIVE*

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *500.00*

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

*MR. BARTLE BULL
439 EAST 51ST STREET
NEW YORK CITY, NEW YORK, 10022*

Principal place of business

- SAME -

Occupation *PUBLISHER &
BUSINESS EXECUTIVE*

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *500.00*

Date (month,
day, year)

4/21/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

*MR. DANIEL E. BURNS
345 HUDSON STREET
NEW YORK CITY, NEW YORK, 10014*

Principal place of business

- SAME -

Occupation *BUSINESS MAN - VARIOUS*

☐ Check if Contributor is self-employed

Aggregate Year-to-date ▶ \$ *100.00*

Date (month,
day, year)

4/21/77

Amount of each
receipt this period

100.00

Subtotal of receipts this page (optional)

▶ \$ *2,600.00*

Total this period (last page this line number only)

▶ \$ *16,052.00*

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 7 of 8 for
LINE NUMBER 15

(Use separate schedule(s) for each
numbered line)

HR # 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code MR. BERNARD PODIN 135 OCEAN PARKWAY BROOKLYN, NEW YORK, 11218		Date (month, day, year) 4/21/77	Amount of each receipt this period 500.00
Principal place of business J. F. B. MANAGEMENT CO. - SAME -	Occupation REAL ESTATE BUSINESS EXECUTIVE <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 500.00		
Full Name, mailing address and ZIP code MR. HARRY E. GOULD JR. 145 EAST 32ND STREET NEW YORK CITY, NEW YORK, 10016		Date (month, day, year) 4/21/77	Amount of each receipt this period 250.00
Principal place of business GOULD PAPER COMPANY - SAME -	Occupation BUSINESS EXECUTIVE <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 250.00		
Full Name, mailing address and ZIP code MR. FREDERICK DE MATTEIS 820 ELMONT ROAD ELMONT, NEW YORK, 11003		Date (month, day, year) 4/21/77	Amount of each receipt this period 500.00
Principal place of business DE MATTEIS & SONS - SAME -	Occupation BUSINESS MAN BUILDING DEVELOPER - VARIOUS - <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 500.00		
Full Name, mailing address and ZIP code MR. GERALD CESTREICHER 680 MADISON AVENUE NEW YORK CITY, NEW YORK, 10021		Date (month, day, year) 4/21/77	Amount of each receipt this period 100.00
Principal place of business - SAME -	Occupation BUSINESS EXECUTIVE REAL ESTATE BUSINESS <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 100.00		
Full Name, mailing address and ZIP code MR. LEO SPEZIO 35 DEEP ROCK ROAD ROCHESTER, NEW YORK, 14624		Date (month, day, year) 4/26/77	Amount of each receipt this period 500.00
Principal place of business SPEZIO CONSTRUCTION CO. ROCHESTER, NEW YORK	Occupation BUSINESS EXECUTIVE BUILDER & DEVELOPER <input type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 500.00		
Full Name, mailing address and ZIP code FRANK R. SHUMWAY, JR. 1688 LAKE ROAD WEBSTER, NEW YORK, 14580		Date (month, day, year) 4/1/77	Amount of each receipt this period 500.00
Principal place of business SHUMWAY MARINE CO. ROCHESTER, NEW YORK	Occupation BUSINESS EXECUTIVE <input checked="" type="checkbox"/> Check if Contributor is self-employed Aggregate Year-to-date \$ 500.00		
Subtotal of receipts this page (optional)			\$ 2,350.00
Total this period (last page this line number only)			\$ 16,252.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 8 of 8 for

LINE NUMBER 15

(Use separate schedule(s) for each numbered line)

NR # 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

DANIEL & MARY HIGGINS
90 MILFORD ROAD
BUFFALO, NEW YORKDate (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation UNKNOWN

6/29/77

100.00

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 100.00

Full Name, mailing address and ZIP code

WILLIAM VAN DEN HEUVAL
150 EAST 72ND STREET
NEW YORK CITY, NEW YORK 10021Date (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation ATTORNEY
BUSINESS EXECUTIVE

4/7/77

552.00

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 552.00

Full Name, mailing address and ZIP code

Date (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month,
day, year)Amount of each
receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Subtotal of receipts this page (optional) \$ 652.00

Total this period (last page this line number only) \$ 16,052.00

7 8 7 4 0 1 1 2 8 8 1 8 0 6 5

Schedule A

July 1976

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)Page 1 of 2 for
LINE NUMBER 18-(Use separate schedule(s) for each
numbered line)

HR# 043681

Name of Candidate or Committee in full

COSTANER FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

BROOKLYN LONGSHOREMAN'S POLITICAL ACTION & EDUCATION FUND
FEDERAL CAMPAIGN ACCOUNT
343 COURT STREET, BROOKLYN, NEW YORK, 11231 } REGISTERED
WITH-FEC-

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 1,000.00

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

1,000.00

Full Name, mailing address and ZIP code

AMALGAMATED CLOTHING & TEXTILES WORKERS UNION
POLITICAL ACTION COMMITTEE
15 UNION SQUARE
NEW YORK CITY, NEW YORK, 10003 } REGISTERED
WITH-FEC-

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

INTERNATIONAL LADIES GARMENT WORKERS UNION
CAMPAIGN COMMITTEE
1715 BROADWAY
NEW YORK CITY, NEW YORK, 10019 } REGISTERED
WITH-FEC-

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Date (month,
day, year)

4/11/77

Amount of each
receipt this period

500.00

Full Name, mailing address and ZIP code

CWA-COPE POLITICAL CONTRIBUTION COMMITTEE } REGISTERED
1925 K STREET N.W. } WITH-FEC-
WASHINGTON, D.C. 20006

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 1,300.00

Date (month,
day, year)

4/26/77

Amount of each
receipt this period

1,300.00

Full Name, mailing address and ZIP code

UNITED AUTO WORKERS, U. CAP - EMIL MAZEY, TREAS.
3000 EAST JEFFERSON } REGISTERED
DETROIT, MICHIGAN, 48214 } WITH-FEC-

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 1,000.00

Date (month,
day, year)

6/1/77

Amount of each
receipt this period

1,000.00

Full Name, mailing address and ZIP code

INTERNATIONAL UNION ELECTRICAL, RADIO, MACHINE WORKERS, AFL-CIO
375 MURRAY HILL PARKWAY } REGISTERED
EAST RUTHERFORD, N.J., 07073 } WITH-FEC- COPE FUND

Principal place of business

- SAME -

Occupation

POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 200.00

Date (month,
day, year)

6/1/77

Amount of each
receipt this period

200.00

Subtotal of receipts this page (optional)

\$ 4,500.00

Total this period (last page this line number only)

\$ 5,000.00

Schedule A

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Receipts,
Contributions, Ticket Purchases, Loans,
Rebates, and Transfers for Line
Numbers 15, 16, 17 and/or 18 of FEC Form 3
(see instructions on back)

Page 2 of 2 forLINE NUMBER 18

(Use separate schedule(s) for each numbered line)

HR # 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

KINGS COUNTY DEMOCRATIC COMMITTEE (REGISTRATION # 600077040-4/29/77)
16 COURT STREET
BROOKLYN, NEW YORK, 11241 - WILLIAM J. GARRY, TREASURER

Principal place of business

Occupation POLITICAL COMMITTEE

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$ 500.00

Date (month, day, year)

6/1/77

Amount of each receipt this period

500.00

Full Name, mailing address and ZIP code

Date (month, day, year)

Amount of each receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month, day, year)

Amount of each receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month, day, year)

Amount of each receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month, day, year)

Amount of each receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Full Name, mailing address and ZIP code

Date (month, day, year)

Amount of each receipt this period

Principal place of business

Occupation

☐ Check if Contributor is self-employed

Aggregate Year-to-date \$

Subtotal of receipts this page (optional)

\$ 500.00

Total this period (last page this line number only)

\$ 5,000.00

787400H28B067

Schedule B

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Unitemized Expenditures
Campaign Fundraising, Loans, and Transfers
for Lines 20, 22, 23, and/or 24 of FEC Form 3

(see instructions on back)

Page 1 of 1 forLINE NUMBER 20, a

(Use separate schedule(s) for each numbered line)

HR# 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

WILLIAM VAN DEN HEUVAL
150 EAST 73RD STREET
NEW YORK CITY, NEW YORK, 10021

Purpose of Expenditure

"IN KIND CONTRIBUTION"
FINANCED PARTY -
CATERED, FOOD, DRINKS
ETC. ON APRIL 7, 1977
AT SAME LOCATION -

Date (month, day, year)

4/7/77

Amount of each expenditure this period

552.00

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Subtotal of expenditures this page (optional).....

▶ *\$ 552.00*

Total this period (last page this line number only).....

▶ *\$ 552.00*

7877001289068

Schedule B

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Itemized Expenditures

Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

(see instructions on back)

Page 1 of 1 forLINE NUMBER 22a

(Use separate schedule(s) for each numbered line)

HR# 043681

Name of Candidate or Committee in full

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Full Name, mailing address and ZIP code

MARGARET J. COSTANZA (CANDIDATE)
800-25TH STREET N.W.
WASHINGTON, DC 20037

Purpose of Expenditure

LOAN REPAYMENT -
REPAYMENT OF VARIOUS
LOANS TO DATE, AS
PREVIOUSLY REPORTED ON
ALL REPORTS AS THEY OCCURRED.

Date (month, day, year)

4/26/77

Amount of each expenditure this period

17,045.45

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Full Name, mailing address and ZIP code

Purpose of Expenditure

Date (month, day, year)

Amount of each expenditure this period

Subtotal of expenditures this page (optional)

17,045.45

Total this period (last page this line number only)

17,045.45

787400H289069

Schedule C

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Debits and Obligations for
Line Numbers 26 and/or 27 of FEC Form 3

(see instructions on back)

Page 1 of 1 for
LINE NUMBER 27

(Use separate schedule(s) for each numbered line)

HR# 013681

Name of Candidate or Committee in full	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
COSTANZA FOR CONGRESS FINANCE COMMITTEE Full Name, mailing address and ZIP code, and nature of obligation MARGARET J. COSTANZA (Candidate) 800-25TH STREET N.W. WASHINGTON, D.C. 20037 VARIOUS THROUGHOUT ENTIRE PERIOD	\$ 26,645.45	\$ 26,645.45	\$ - 0 -
Full Name, mailing address and ZIP code, and nature of obligation MOHAWK PRINTING CORP. 287 LYELL AVENUE ROCHESTER, NEW YORK. 10/9/74 11/26/74	\$ 3,970.77	\$ 3,400.00	\$ 570.77
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Full Name, mailing address and ZIP code, and nature of obligation	\$	\$	\$
Subtotals this period this page (optional).....	\$ 30,616.22	\$ 30,045.45	\$ 570.77
Total this period (last page this line number only).....	\$ 30,616.22	\$ 30,045.45	\$ 570.77

Carry outstanding balance only, to appropriate line of summary.

787200128P070

July 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Page 1 of 1 for
LINE NUMBER 15C

(see instructions on back)

HR # 043681

COSTANZA FOR CONGRESS FINANCE COMMITTEE

Total Proceeds during the Reporting Period: **21,052.00**

1	Sale of tickets (List by event below) *	\$ - 0 -
2	Mass collections (List by event below) ** COCKTAIL PARTY - VERMILION INVITATION, TRUSTS NOT HERE.	\$ 21,052.00
3	Sale of items	\$ - 0 -
4	Total (Carry forward to Line 15C of Detailed Summary Schedule Page 2, FEC Form 3).	\$ 21,052.00

List of Sales and Collections by Event

Location (Site, City and State) and Type of Event	Date of Event (month, day, year)	Amount from Sale of Tickets this Period*	Amount from Mass Collections this Period**
Cocktail Party, given, at the home of April 7 th , 1977 - William Van Den Heuvel, 150 East 78 th Street, New York City, New York. 10021	4/7/77	\$ —	\$16,052.00
- Line 18 A - From, (same function) on 4/7/77, which were transfers from other committees.	4/7/77	—	5,000.00
See Schedule A - Line # 18 - pg. 1 & 2 of 2 pages-			
Subtotal this period this page (optional)		\$	\$21,052.00
Total this period (last page this line number only)		\$	\$21,052.00

May 31, 1977

Mr. Vernon W. Thomson
Commissioner
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Thomson,

Upon receipt of your Commission letter (certified mailgram #WA12915-All27-00252) on May 20, 1977, which was sent to Ms. Costanza, I phoned your office to notify you that the Candidate or Committee had no transaction during the quarter or, since the year-end report of 1976.

I'm sorry that I was not aware of the new Commission ruling, which now requires quarterly reporting. I was going according to a previous ruling, of, "once a year, year-end reporting", if "no activity", had occurred. I therefore apologize to you on behalf of the Candidate and myself, for the additional paperwork and effort you had to perform.

Enclosed, please find FEC form 3A postcard for Candidate and Committee, ID# 043681 for April 10th, reporting as required.

For the record, this Committee held a Fundraiser on April 7, 1977 and raised approximately \$20,000.00.

All of the checks covering the amount mentioned, have not been collected or received. I do anticipate receiving it, by the next filing quarter.

If all money committed at that Fundraiser is received, I will issue checks to pay all debts, and "TERMINATE", the Committee in the next quarterly report.

Also, please be advised of address changes for Ms. Costanza and myself as per attached.

Sincerely,

Sandra M. Adams
Sandra M. Adams, Treasurer
Costanza for Congress

Enclosures

Xc. Costanza, M.
- from FHE

C 43681

7 9 0 4 0 0 1 3 8 9 4
7 7 0 1 1 2 5 0 2 4 9

Costanza Admits Lag in FEC Report

United Press International

Presidential aide Midge Costanza acknowledged yesterday that she has missed two legal deadlines for filing a report on an April fund-raising party she staged to reimburse herself for 1974 congressional campaign debts.

The report has yet to be filed, she conceded, but said the information from her accountant would be provided to the Federal Election Commission on Tuesday.

"There is no excuse for not doing it," she said. "And it's being done."

Vice President Walter Mondale was the featured guest at the \$500-a-ticket affair, which raised more than \$20,000 to cover a \$17,615 campaign debt. All but a few hundred dollars of the debt was owed to Costanza herself.

"THE REPORT is being done right now in Rochester by a CPA (Steve Smith) who has filed my reports for me since 1974," Costanza said.

"Yes, I have failed to file my report," she said. "But anybody who knows what I have been doing for the last nine months knows it is difficult for me

to get all this information to him (the accountant) in Rochester."

The first FEC filing deadline for the April 7 fund-raiser passed April 10. The second legal deadline, July 10, also was missed.

Costanza said she called the FEC "and told them, 'Look. We've got some details here that we have to attend to and we're going to be a little late with this report. And would you put a little note in your files, and say that we're going to be late.'"

Susan Tifft, an FEC official, confirmed that Costanza had notified the commission the filing would be late. She said the FEC has at times brought a civil suit to bear against those not in compliance with the rules because disclosure "is the heart" of the FEC's responsibility. No suit is under consideration in this case, Tifft said.

COSTANZA SAID the practice of candidates giving money to their own campaign committees was common, adding, "that money was given to the committee as a loan" for the congressional race which she lost.

U.P. 10/9/77

Costanza to File Report on Funds

White House aide Margaret (Midge) Costanza said yesterday a campaign fund report covering money she raised earlier this year would be filed with the Federal Election Commission on Tuesday.

Costanza held a White House-approved, \$500-a-ticket fund-raiser in the New York City last April 7, to wipe out a \$17,615 deficit that remained from her unsuccessful 1974 congressional campaign. Costanza said she raised about \$21,025.

Under the federal election law, a report on the fund-raising party was due July 10, but Costanza never submitted one.

Costanza said Friday her failure to file in the past had been due to lack of needed information and the pressures of her White House work.

All but \$570 of the debt was owed to Costanza herself for money she had spent during her campaign.

THE NEW YORK TIMES, SUNDAY, OCTOBER 9, 1977

Carter Aide Delayed Fund Report

Special to The New York Times

WASHINGTON, Oct. 8—Margaret Costanza, assistant to President Carter for public liaison, acknowledged today that she had been tardy in filing with the Federal Election Commission a report on a fund-raising party in April.

Miss Costanza said in a telephone interview that her accountant and assistant, Sandra Adams, would submit the report to the election commission on Tuesday.

She said that the \$500-a-ticket event in New York City last April 7, at which Vice President Mondale was the main speaker, was not secretive or duplicitous. It was held, she said, to pay off a \$17,615 debt she incurred in her unsuccessful campaign for Congress in 1974.

She said that her failure to meet the July 10 deadline for filing was a result of the pressure of her White House commitments and of her inability "to sit down with my certified public accountant and my attorney" in time to draft the report.

"I've been pretty well occupied," she continued. "It's no excuse in terms of

the law, but I just didn't have the time." Miss Costanza said she notified the election commission several times to say that she would be unable to meet the deadline for filing on the event, which brought in \$21,025.

She said she felt "very emotional" about press accounts of the event that suggested she had abused the privilege of her White House position. She added that she felt this publicity was unwarranted and unfair.

78040043893

April Party Raised \$21,025

Costanza Fails to File FEC Fund Report

By Walter Pincus

Washington Post Staff Writer

On April 7, two months after she was sworn in as assistant to President Carter for public liaison, Margaret (Midge) Costanza and some friends threw a party.

It was a \$500-a-ticket fund-raiser, with which she hoped to wipe out a \$17,615 deficit lingering from her unsuccessful 1974 campaign for Congress.

All but \$570 of the debt was owed to Costanza herself. The proceeds, she explained, were "to repay me" for money she put into her 1974 campaign.

The affair was held at the apartment of William J. Vanden Heuvel, an attorney and cochairman with Cos-

tanza of the Carter New York State presidential campaign. It had the approval of the White House and Vice President Mondale was the featured attraction. Vanden Heuvel and Costanza invited people and many of the \$500 donors, according to Costanza, were New York City friends of his.

As is the case in such affairs, tickets were purchased by Costanza's old friends and groups and individuals who had an interest in helping a new senior White House aide with a financial problem.

"I needed my money," Costanza said yesterday in discussing the affair. "I had relocated to Washington and didn't have any money and I was very eager to pay me back."

By her own account, Costanza raised about \$21,025. When the money came in, she said, "I paid me."

She said she is now trying to determine what she can legally do with the \$3,400 surplus.

As of yesterday, neither Costanza nor her campaign committee had filed reports with the Federal Election Commission on the April party or any other funds raised or spent between April 1 and June 30.

Under the law, those reports should have been delivered to the commission by July 15.

"I'm not aware of anything improper," Costanza said yesterday, "other than [I have] not filed, but I have a

See COSTANZA, A1, Col. 1

Election Panel Lacking Costanza's Fund Report

COSTANZA, From A1

good reason for that," she added, citing the fact that she is trying to find out what can be done with the surplus.

She said a month or more ago she called the FEC to find out if she can use the surplus to pay Sandra M. Adams, her White House administrative assistant and her campaign treasurer, for her work in making out past campaign reports going back to 1974.

"I wanted to get a bill from her for her services and pay her," Costanza said. She also wants to find out if the surplus funds can be used to pay for Adams' trip to Rochester, N.Y., to help solicit donations for the Costanza party.

Finally, Costanza said she wrote a \$150 check to the campaign of Carol Bellamy for New York City Council president, and wanted to reimburse herself from the fund for that donation. "It was something I could not afford personally," she said.

Although her report is not filed, Costanza yesterday read off the list of contributors in a telephone interview. Among them were six labor unions, including the United Auto Workers (\$1,000), the communications workers (\$1,300) and the Brooklyn longshoremen (\$1,000).

Costanza bristled when questioned about the lack of FEC reporting and



MARGARET (MIDGE) COSTANZA
... "not aware of anything improper"

ed the FEC staff from being able to keep track of non-filers.

Costanza said yesterday she was pulling together "everything the FEC needs or wants" to make her final filing. "I called them just two weeks ago," she said, to say her report terminating the committee was in the works.

Costanza said yesterday White

The Trouble With Midge

Margaret Costanza bought a new pair of work jeans last winter and set off to join Jimmy Carter's inner circle at the White House. "Mid-gee, we're gonna be equals," Carter's right-hand man, Hamilton Jordan, told her. The President gave her an office near his, the title of Assistant for Public Liaison and the rugged job of keeping his lines open to interest and pressure groups. "She is here to keep me straight," he told the Cabinet. And Midge said that mandate was just what she was after. "I'm excited about Washington and I think Washington is going to be excited about me," she predicted cheerfully. "I plan that."

She may have outdone herself. "The President's two extremes of embarrassment are Midge Costanza and Billy Carter," sighed one of the President's men last week. During singer Anita Bryant's anti-homosexual crusade, Midge invited gay activists to a rap session in the West Wing. "Homos in the White House!" bellowed a livid labor leader during his own next visit. She then organized women in the Administration to upbraid the President for opposing federally funded abortions for the poor. "That was as appropriate as a bunch of generals getting together to protest his B-1 decision," grumped a Carter aide. And after she publicly called on Bert Lance to resign, some of the President's men suggested privately that she might do the same herself. "Everyone wishes she would disappear," says one Carter lieutenant.

'Hand on My Knee': Instead, Midge's gaffes and her headlines seem to become more visible all the time. At a Democratic fund-raiser in New York three weeks ago, she stunned Father Louis Gigante, a Roman Catholic priest and city councilman from the South Bronx. Introducing him to a strait-laced audience of Italian-Americans, Midge deadpanned: "He's had his hand on my knee for the last hour."

Last week, conservative Republicans in the House, including Minority Whip Robert Michel of Illinois and John Rousselot of California, called on Carter to ask for Costanza's resignation. They were nettled by reports that she had enlisted Vice President Walter Mondale for a \$500-a-ticket cocktail party in New York City to help wipe out some old campaign debts from an unsuccessful 1974 Congressional race in Rochester, N.Y. The party was a success. It raised more than

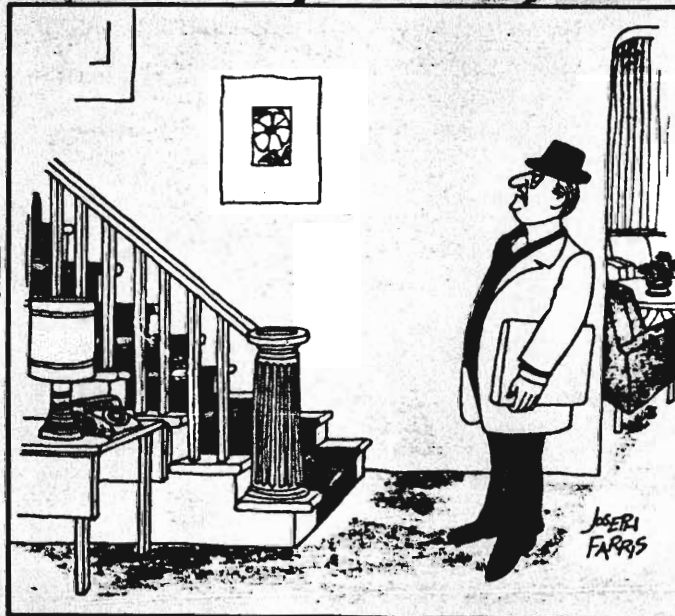
\$21,000—\$17,000 of it to repay Midge herself—but she neglected to file a report on the bash with the Federal Election Commission.

At 44, Costanza is the only woman and the only non-Georgian besides Zbigniew Brzezinski on the President's senior White House staff. She is also the most liberal—in personality as well as politics—displaying salty irreverence, high spirits and recklessness. Once, when a reporter intruded on a Rose Garden meeting, she chased him back to the White House press room, screaming epithets at him all the way.

She met Carter in 1974, when she was vice mayor of Rochester, and she became

Dusan T. McElhinney—Newsweek

Costanza: In the doghouse



Drawing by Joseph Farris © 1977, The New Yorker Magazine, Inc.

'Who is it? It's Midge Costanza. Who'd you think it was?'

his political guide through upstate New York in the days when he was still just Jimmy who? But the accumulating troubles of recent weeks seem to have cut her influence badly. "She's an idiot in public as well as in private," exploded one ranking White House staffer last week. And when a reporter requested that Costanza's schedule be made public because "lots of things go on in Midge's office that we don't hear about," Carter press secretary Jody Powell said: "I know how you feel."

Her critics, rather venomously, have begun leaking stories that she is a weak manager and martinet presiding over a demoralized and ineffective public-liaison operation. "Right now it's just ten wasted slots in a very understaffed White House," says one staff critic. And others note that when the President has sought public support for the Panama Canal treaties, his Mideast peace maneuvers and his energy package, he has not turned to Midge.

Unsettled by the bad vibrations, Costanza sought out the President for reassurance not long ago.

"How you doing?" Carter asked her mildly.

"I think I'm doing all right," she replied. "I think that's the question I want to ask you."

"You're doing a good job, Midge," Jimmy said with a squeeze of her hand.

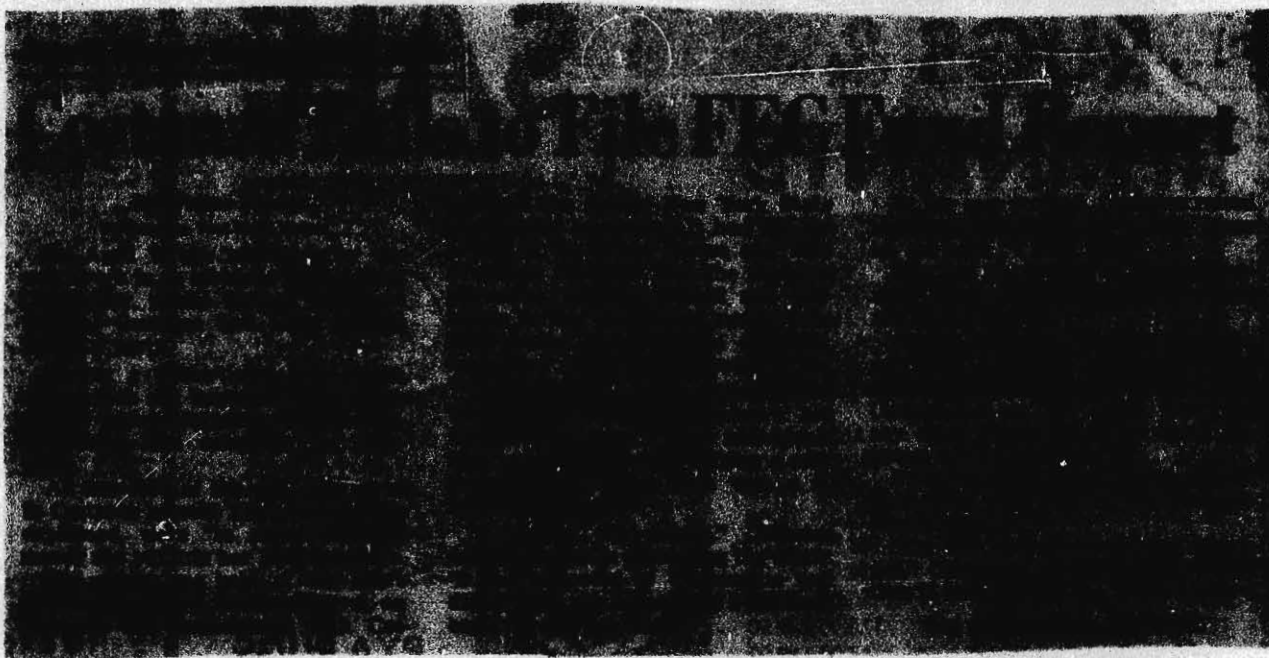
'Machine Gun': "I needed that," Midge recalls. Even her meanest critics concede that criticism is an occupational hazard of the public-liaison job, an often thankless role that requires talking to everyone from battered wives to Cuban nationalists. "A lot of her machine-gun approach has to do with the fact that she has the toughest damn job in the White House," argues one Carter staffer. "All you can do is sit there day in and day out and listen to gripe sessions."

While Carter himself is sometimes distressed with Costanza, he seems unlikely to fire her. He has never liked firing anyone, and dumping the only woman and the most outspoken liberal on his staff might cause as much political damage as it repaired. "Midge irritates me sometimes, but she renders a real service around here," says Jordan. "I know the President feels the same way." So Midge seems likely to stay as long as she can stand it. "I'm me for better or for worse," she says. No one expects that to change.

—TOM MATHEWS with ELEANOR CLIFT and THOMAS M. DEFRANK in Washington

THE WASHINGTON POST SATURDAY, October 8, 1977

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Election Panel Lacking Costanza's Fund Report

COSTANZA, From A1

...not return for that," she added, citing her need to find out what can be done with the surplus.

She said a month or more ago she called the FEC to find out if she can use the surplus to pay Sandra M. Adams, her White House administrative assistant and her campaign treasurer, for her work in making out past campaign reports going back to 1974.

"I wanted to get a bill from her for her services and pay her," Costanza said. She also wants to find out if the surplus funds can be used to pay for Adams' trip to Rochester, N.Y., to help solicit donations for the Costanza party.

Finally, Costanza said she wrote a \$150 check to the campaign of Carol Bellamy for New York City Council president, and wanted to reimburse herself from the fund for that donation. "It was something I could not afford personally," she said.

Although her report is not filed, Costanza yesterday read off the list of contributors in a telephone interview. Among them were six labor unions, including the United Auto Workers (\$1,000), the communications workers (\$1,300) and the Brooklyn longshoremen (\$1,000).

Costanza bristled when questioned about the lack of FEC reporting and the propriety of a White House aide holding a fund-raiser to pay off past campaign debts to herself.

"I'm not a wealthy woman," she said yesterday. "The kind of money I put in [the campaign] was more than I could afford to lose. I always had the idea I would raise it. It wouldn't make any difference whether I was in the White House or not."

As for the labor contributions, Costanza said, "I don't deal with labor issues in this office." They were solicited because the unions "supported me in the campaign" and in 1974 encouraged her, she said, "to make the special investment" of her own money, "from which the debt arose."

Costanza grew particularly irritated when asked about the failure to file FEC reports on her fund-raising.

"I called them," she said, "and told them I'd be a little late ... They didn't think they should give [an extension] to me because of who I am. Can you believe that?"

An FEC spokesman confirmed that Costanza had called the commission several times to say her initial 1977 filing, due April 10, would be late.

The commission, according to the spokesman, waited until May 20 for the report and then sent Costanza a notice requesting it.

On May 31, Adams, Costanza's White House assistant and campaign treasurer, wrote the commission enclosing the April 10 report, which indicated that no funds had been raised.

In that letter, Adams also wrote: "For the record, this committee held a fund-raiser on April 7, 1977, and raised approximately \$20,000."

She went on to say all checks from the event had not come in and added,

"I do anticipate receiving it by the next filing period."

The July 15 filing date passed and no report was sent. The FEC, however, never sent Costanza another notice. The commission spokesman said yesterday the lack of response probably



MARGARET (MIDGE) COSTANZA ... "not aware of anything improper"

ed the FEC staff from being able to keep track of non-filers.

Costanza said yesterday she was pulling together "everything the FEC needs or wants" to make her final filing. "I called them just two weeks ago," she said, to say her report terminating the committee was in the works.

Costanza said yesterday White House officials were "aware I had to pay off a debt" when she joined the staff. She said she asked White House counsel Robert Lipshutz "to relax the rule" that prohibited presidential aides from fund-raising for themselves.

Lipshutz said yesterday there was no such rule but that he had turned Costanza's situation over to Mondrino counsel, Michael Berman, since the Vice President was to be the guest of honor at the fund-raiser.

Berman said he "established the debts existed" and were legitimate. He also determined "no law precluded" holding such an event. He said he told Costanza and Adams "they couldn't solicit federal employees" and to avoid donors "that would cast doubt on the integrity of the White House."

Berman said yesterday that was all he did—that he had never looked into who donated or whether Costanza had filed her reports with the FEC.

Lipshutz said the White House had discussions on two other campaign-fund questions since the Carter administration took office.

One was over possible fund-raising to wipe out 1974 gubernatorial campaigning debts of former Office of Management and Budget Director Bert Lance. There, Lipshutz said, they could not determine a way a fund-raiser could be held, so the idea was suspended.

In the case of a nominee to the Interior Department who had a \$150,000 city council campaign debt, the administration worked out a procedure whereby the chief lawyer from that department reviewed all the contributions for possible conflict of interest and then published each one accepted.

Asked why such a procedure was not followed in Costanza's case, Lipshutz said yesterday that he thought the matter was being handled by Berman.

Costanza Admits Lag in FEC Report

United Press International

Presidential aide Midge Costanza acknowledged yesterday that she has missed two legal deadlines for filing a report on an April fund-raising party she staged to reimburse herself for 1974 congressional campaign debts.

The report has yet to be filed, she conceded, but said the information from her accountant would be provided to the Federal Election Commission on Tuesday.

"There is no excuse for not doing it," she said. "And it's being done."

Vice President Walter Mondale was the featured guest at the \$500-a-ticket affair, which raised more than \$20,000 to cover a \$17,615 campaign debt. All but a few hundred dollars of the debt was owed to Costanza herself.

"THE REPORT is being done right now in Rochester by a CPA (Steve Smith) who has filed my reports for me since 1974," Costanza said.

"Yes, I have failed to file my report," she said. "But anybody who knows what I have been doing for the last nine months knows it is difficult for me

to get all this information to him (the accountant) in Rochester."

The first FEC filing deadline for the April 7 fund-raiser passed April 10. The second legal deadline, July 10, also was missed.

Costanza said she called the FEC "and told them, 'Look. We've got some details here that we have to attend to and we're going to be a little late with this report. And would you put a little note in your files, and say that we're going to be late.'"

Susan Tifft, an FEC official, confirmed that Costanza had notified the commission the filing would be late. She said the FEC has at times brought a civil suit to bear against those not in compliance with the rules because disclosure "is the heart" of the FEC's responsibility. No suit is under consideration in this case, Tifft said.

COSTANZA SAID the practice of candidates giving money to their own campaign committees was common, adding, "that money was given to the committee as a loan" for the congressional race which she lost.

U.P. 10/9/77

Costanza to File Report on Funds

White House aide Margaret (Midge) Costanza said yesterday a campaign fund report covering money she raised earlier this year would be filed with the Federal Election Commission on Tuesday.

Costanza held a White House-approved, \$500-a-ticket fund-raiser in the New York City last April 7, to wipe out a \$17,615 deficit that remained from her unsuccessful 1974 congressional campaign. Costanza said she raised about \$21,025.

Under the federal election law, a report on the fund-raising party was due July 10, but Costanza never submitted one.

Costanza said Friday her failure to file in the past had been due to lack of needed information and the pressures of her White House work.

All but \$370 of the debt was owed to Costanza herself for money she had spent during her campaign.

THE NEW YORK TIMES, SUNDAY, OCTOBER 9, 1977

Carter Aide Delayed Fund Report

Special to The New York Times

WASHINGTON, Oct. 8—Margaret Costanza, assistant to President Carter for public liaison, acknowledged today that she had been tardy in filing with the Federal Election Commission a report on a fund-raising party in April.

Miss Costanza said in a telephone interview that her accountant and assistant, Sandra Adams, would submit the report to the election commission on Tuesday.

She said that the \$500-a-ticket event in New York City last April 7, at which Vice President Mondale was the main speaker, was not secretive or duplicitous. It was held, she said, to pay off a \$17,615 debt she incurred in her unsuccessful campaign for Congress in 1974.

She said that her failure to meet the July 10 deadline for filing was a result of the pressure of her White House commitments and of her inability "to sit down with my certified public accountant and my attorney" in time to draft the report.

"I've been pretty well occupied," she continued. "It's no excuse in terms of

the law, but I just didn't have the time."

Miss Costanza said she notified the election commission several times to say that she would be unable to meet the deadline for filing on the event, which brought in \$21,025.

She said she felt "very emotional" about press accounts of the event that suggested she had abused the privilege of her White House position. She added that she felt this publicity was unwarranted and unfair.

UPI 10-847743902
UP-028

(COSTANZA)

(BY DEAN REYNOLDS)

WASHINGTON (UPI) - WHITE HOUSE AIDE MARGARET "MIDGE" COSTANZA ACKNOWLEDGED TODAY SHE WAS YET TO FILE A LEGALLY REQUIRED REPORT ON A FUND-RAISING PARTY SHE HELD IN APRIL TO PAY HERSELF BACK A THREE-YEAR OLD CAMPAIGN DEBT.

THE FORMER VICE MAYOR OF ROCHESTER, N.Y., WHO IS PRESIDENT CARTER'S PUBLIC LIAISON ASSISTANT, WAS RESPONDING TO A REPORT IN TODAY'S WASHINGTON POST. SHE SAID THE NECESSARY INFORMATION ON THE APRIL 7 PARTY - WHICH RAISED MORE THAN \$20,000 TO COVER A \$17,615 DEBT FROM HER 1974 RACE FOR CONGRESS - WILL BE FILED WITH THE FEDERAL ELECTION COMMISSION ON TUESDAY.

INCLUDED IN THE CONTRIBUTIONS WERE SEVERAL THOUSAND DOLLARS FROM VARIOUS LABOR UNIONS. ASKED ABOUT THE PROPRIETY OF A WHITE HOUSE AIDE ACCEPTING CAMPAIGN DONATIONS FROM A UNION, COSTANZA SAID, "I DON'T DEAL WITH LABOR ISSUES IN THIS OFFICE."

THE FUND-RAISER WAS A \$100-A-TICKET AFFAIR AT WHICH VICE PRESIDENT MONDALE SPOKE.

ALL BUT A FEW HUNDRED DOLLARS OF THE CAMPAIGN DEBT WAS OWED TO COSTANZA HERSELF. SHE SAID THE PRACTICE OF CANDIDATES GIVING MONEY TO THEIR OWN CAMPAIGN COMMITTEES WAS COMMON, ADDING, "THAT MONEY WAS GIVEN TO THE COMMITTEE AS A LOAN."

"THE REPORT IS BEING DONE RIGHT NOW IN ROCHESTER BY A CPA (STEVE SMITH) WHO HAS FILED MY REPORTS FOR ME SINCE 1974," COSTANZA SAID.

"YES, I HAVE FAILED TO FILE MY REPORT," SHE SAID. "BUT ANYBODY WHO KNOWS WHAT I HAVE BEEN DOING FOR THE LAST NINE MONTHS KNOWS IT IS DIFFICULT FOR ME TO GET ALL THIS INFORMATION TO HIM (THE ACCOUNTANT) IN ROCHESTER."

"THERE IS NO EXCUSE FOR NOT DOING IT," SHE SAID. "AND IT'S BEING DONE."

COSTANZA SAID THE FEC WAS TOLD THE FILING WOULD BE LATE - A STATEMENT THE FEC SUBSTANTIATED. THE FIRST FEC FILING DEADLINE FOR THE FUND-RAISER PASSED ON APRIL 10. THE SECOND LEGAL DEADLINE, JULY 10, ALSO WAS MISSED.

"I CALLED THEM (THE FEC) AND TOLD THEM, 'LOOK, WE'VE GOT SOME DETAILS HERE THAT WE HAVE TO ATTEND TO AND WE'RE GOING TO BE A LITTLE LATE WITH THIS REPORT. AND WOULD YOU PUT A LITTLE NOTE IN YOUR FILES, AND SAY THAT WE'RE GOING TO BE LATE,'" SHE SAID.

FEC OFFICIAL SUSAN TIFFT SAID TARDY REPORTS ARE NOT UNCOMMON, BUT THAT THE FEC SOMETIMES RESORTS TO A CIVIL SUIT TO RETRIEVE INFORMATION IF THE INDIVIDUAL REPEATEDLY IGNORES OFFICIAL WARNINGS.

THE TASK OF COMPILING THE NECESSARY INFORMATION - "ON YOUR OWN TIME" - IS A DIFFICULT ONE, COSTANZA EXPLAINED.

"IF YOU KNEW THE AMOUNT OF WORK THAT WENT INTO MAKING SURE THESE REPORTS ARE DONE..."

MRS COSTANZA, WHO HELPED MANAGE CARTER'S NEW YORK STATE CAMPAIGN, SAID IT WAS NOT A CALCULATED DECISION TO WAIT UNTIL HER WHITE HOUSE APPOINTMENT TO THROW THE FUND-RAISER. SHE COULD HAVE EASILY RAISED THE MONEY IN ROCHESTER BEFORE THIS YEAR, SHE SAID, BUT "FOR TWO YEARS I WAS TIED UP RUNNING A CAMPAIGN (CARTER'S) FOR PRESIDENT".

UPI 10-06 10:27 RED

The Washington Star, 19-8-77

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United Press International

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Mike Fuller

The Washington Post 19-9-77

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FEDERAL ELECTION COMMISSION

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

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