



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20461

THIS IS THE END OF TMR # 658

Date Filmed 3/16/79 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

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

February 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

Dear Mr. Martin-Trigona:

On February 14, 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

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FEDERAL ELECTION COMMISSION

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

February 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Joel Joseph  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

RE: MUR 658

Dear Mr. Joseph:

On February 14, 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 658  
Illinois Consumers for )  
Carter/Mondale, and )  
Anthony R. Martin-Trigona )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 14, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated February 8, 1979, regarding the above-captioned matter:

1. Take no further action in MUR 658.
2. Close the file.
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners Aikens, McGarry, Thomson, and Harris. Commissioner Springer abstains in this matter.

Attest:

2/14/79

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 2-9-79, 12:34, Friday  
Circulated on 48 hour vote basis: 2-12-79, 10:30, Monday

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February 9, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached General Counsel's Report on MUR 658 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040111091

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

79 FEB 9 P12: 34

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658  
Carter/Mondale, and )  
Anthony R. Martin-Trigona )

GENERAL COUNSEL'S REPORT

Background

On January 18, 1979, the Office of the General Counsel withdrew its report to the Commission that recommended, (1) find "probable cause to believe" that Illinois Consumers for Carter/Mondale, (the "Committee"), and Anthony R. Martin-Trigona violated 2 U.S.C. §441a; and (2) authorize the filing of a civil suit against the respondents. The alleged violation concerned a \$5,000 contribution in the form of a loan by Martin-Trigona to the Committee which exceeded the \$1,000 contribution limitation imposed by 2 U.S.C. §441a(a)(1)(A). The \$1,000 limitation was applied to the Committee because it functioned as an unauthorized single candidate committee although it registered with the Commission as a multicandidate committee, and because AOR 1976-20 applied the \$1,000 limitation to unauthorized single candidate committees.

Analysis

Although there was a violation of the Act in this matter, there are two considerations which point out that it is technical in nature and should not be pursued.

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1. The Commission, in an analogous fact situation, (MUR 375(77)), found no violation because of the lack of widespread publication of the Commission's decision to impose the \$1,000 contribution limitation (2 U.S.C. §441a(a)(1)(A)) on unauthorized single candidate committees. The contributions in MUR 375(77) and in this matter were made in the fall of 1976, and therefore, the reasoning used in MUR 375(77) should also be applied in this situation.

While the two cases are analogous, they appear to be distinguishable. Martin-Trigona was both the contributor and the chairman of the committee receiving the \$5,000 loan. In other words, Martin-Trigona should have been aware that his \$5,000 contribution was only going to be spent on the behalf of a single candidate, Carter/Mondale, whereas the contributors in MUR 375(77) may not have been so knowledgeable. This distinction notwithstanding, the Commission in prosecuting the case would have the added burden of explaining the apparent contradictory standards applied in MURs 375 and 658.

2. More important is the fact that if the Commission prosecutes this case, it will in effect be going to court for the sake of principle. Other than the \$5,000 received from Martin-Trigona, the Committee's only other major contribution was a \$1,000 loan that it repaid a month later. All committee expenditures were independently made on behalf of Carter/Mondale from money almost entirely contributed by Martin-Trigona. Martin-Trigona could have made the same independent expenditures without committing a violation if he had spent the money himself without setting up the committee.

Therefore, the failure to comply with AOR 1976-20 in this case would not have any major consequences. If the Committee had

received other contributions of substantial amounts, then an argument could be made that the rationale set forth in AOR 1976-20 should be applied vigorously, since the aggregate of such contributions spent by a committee as an independent expenditure can affect an election much more than if these contributions are expended individually and independently. Since this situation did not occur, however, this does not appear to be a case warranting further Commission action. The Commission has, through its RCTB finding, established the principle that the activity at issue is in violation of the Act.

Therefore, in light of the Commission's action in the analogous fact situation of MUR 375(77) and because neither Martin-Trigona or the Committee derived any benefit from the violation, the Office of the General Counsel recommends that no further action be taken in this matter, and that the file be closed.

Recommendation

1. Take no further action in MUR 658.
2. Close the file.
3. Send the attached letters.

2/8/79

Date



William C. Oldaker  
General Counsel

Attachments

- Letter to Joel Joseph
- Letter to Anthony R. Martin-Trigon





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Joel Joseph  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

RE: MUR 658

Dear Mr. Joseph:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

Dear Mr. Martin-Trigona:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION  
December 12, 1978

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658(78)  
Carter-Mondale )  
Anthony Martin-Trigona )

GENERAL COUNSEL'S REPORT

Allegation

The Commission has previously found reasonable cause to believe that Mr. Anthony Martin-Trigona violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and has found reasonable cause to believe that the Committee violated 2 U.S.C. §441a for accepting and retaining those funds.

Background

The Committee responded to the Commission's reasonable cause to believe notification on September 15, 1978. On October 20, 1978, the Office of General Counsel responded to the Committee's letter by restating our position in this matter and notifying the Committee to contact us if they wished to continue negotiations in this matter. The Committee has not responded.

Mr. Martin-Trigona was notified of the Commission's reasonable cause to believe finding on November 3, 1978; the notification was returned "unclaimed."

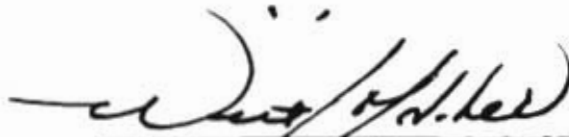
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This office has been unable to negotiate a settlement with the respondents in this case. Accordingly, we recommend to the Commission that probable cause be found against the respondents and civil suit be filed.

Recommendation

Find probable cause to believe that the Illinois Consumers for Carter-Mondale and Anthony Martin-Trigona have violated 2 U.S.C. §441a, and authorize the filing of a civil action.

1/12/79  
Date

  
William C. Oldaker  
General Counsel

7901011003



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middletown, CT 06457

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Concili



*Mass 658-1-100*

SENDER Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered <input checked="" type="checkbox"/> Show to whom, date, and address of delivery <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered <input type="checkbox"/> RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Anthony R. Martin-Trigona</i>	
3. ARTICLE DESCRIPTION REGISTERED NO. <i>92387</i>	INSURED NO.
4. I have received the article described above. SIGNATURE <i>Anthony R. Martin-Trigona</i> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent DATE OF DELIVERY <i>January 18, 1979</i>	
5. ADDRESS/Complete only if requested: <i>Middletown Post Office</i>	
6. UNABLE TO DELIVER BY CAUSE: _____ CLERK'S INITIALS _____	



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
658 Ridge Road  
Middletown, CT 06457

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliat



*MUR 658 - Recd*

SENDER Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.	
1. The following service is requested (check one): <input checked="" type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Anthony R. Martin-Trigona</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>90589</i>	CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>Anthony R. Martin-Trigona</i>	
DATE OF DELIVERY	POSTMARK: <i>JAN 19 1979</i>
5. ADDRESS (Complete only if requested): <i>Middletown Post Office</i>	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

7904011100



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
P.O. Box 1111  
Middletown, CT 06457

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

Letter  
Concil



1. SENDER: Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse. 2. ARTICLE ADDRESSED TO: <i>Anthony R. Martin-Trigona</i>		3. ARTICLE DESCRIPTION: REGISTERED NO. <i>92388</i> CERTIFIED NO. _____ INSURED NO. _____
4. DATE OF DELIVERY: _____ SIGNATURE: <i>William C. Oldaker</i> ADDRESS: <i>1325 K Street N.W. Washington, D.C. 20463</i>		5. ADDRESS: Complete only if requested. _____ 6. UNABLE TO DELIVER BECAUSE: _____

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)

POSTMARK: *MIDDLETOWN CT JAN 19 1979*

7901011101



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
One I.B.M. Plaza, Suite 2910A  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



7904011102





FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



7904011105



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
P.O. Box 11204  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



7904011101



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
Olympic Tower, Suite 22P  
641 Fifth Avenue  
New York, NY 10022

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William E. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



7904011105



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: DECEMBER 7, 1978  
SUBJECT: MUR 658 - Interim Conciliation Report dated  
12-4-78; Received in OCS: 12-4-78,  
5:20

The above-named document was circulated on a 24 hour no-objection basis at 12:00, December 5, 1978.

Your office was notified at 3:30, December 6, 1978, that no objections had been received.

For the record, Commissioner Springer abstained in this matter via his cover sheet received in the Office of Commission Secretary at 10:27, December 7, 1978.

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FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: DECEMBER 6, 1978  
SUBJECT: MUR 658 (78) - Interim Conciliation  
Report dated 12-4-78  
Received in OCS: 12-4-78,  
5:20

The above-named document was circulated on a 24 hour no-objection basis at 12:00, December 5, 1978.

The Commission Secretary's Office has received no objections to the Interim Conciliation Report as of 1:00 this date.

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December 4, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Carr  
SUBJECT: MUR 658

Please have the attached Interim Concil Report on  
MUR 658 distributed to the Commission.

Thank you.

79040111108

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

78 DEC 4 P 5: 20

In the Matter of	)	
	)	
Illinois Consumers for	)	MUR 658 (78)
Carter-Mondale	)	
Anthony Martin-Trigona	)	

Interim Conciliation Report

The facts of this case are detailed in the General Counsel's Report presented to the Commission on August 30, 1978.

The Commission has found reasonable cause to believe that Mr. Anthony Martin-Trigona has violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and has found reasonable cause to believe that the Committee has violated 2 U.S.C. §441a for accepting and retaining those funds.

The Committee responded to the Commission's reasonable cause to believe notification on September 15, 1978. On October 20, 1978, the Office of General Counsel responded to the Committee's letter by restating our position in this matter and notifying the Committee to contact us if they wished to continue negotiations in this matter. As of this writing, the Committee has not responded.


Mr. Martin-Trigona was notified of the Commission's reasonable cause to believe finding on November 3, 1978. As of this date, we have not received notification from the post office as to whether the respondent has received that notification.<sup>1/</sup>

<sup>1/</sup> Two attempts have been made by the United States Marshall's Office to serve Mr. Martin-Trigona in connection with the case brought by the Commission: FEC v. Illinois Democratic Campaign Committee and Anthony Martin-Trigona, CA78C3238. Both attempts have been unsuccessful. For this reason, we feel that we should wait at least 30 days from the date of mailing the notification to make a recommendation to the Commission.

C O M M I S S I O N S E C R E T A R Y

This office will make a recommendation to the Commission in connection with both respondents as soon as Mr. Martin-Trigona's 30 day conciliation period expires in the first week of December.

12/4/78  
Date

  
William C. Oldaker  
General Counsel

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FEDERAL ELECTION COMMISSION

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

October 20, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

Re: MUR 658 (78)

Dear Mr. Joseph:

This is in response to your letter of September 15, 1978.

We are aware of the fact that you resigned as treasurer of the Illinois Consumers for Carter-Mondale on May 5, 1977. However, you held the position of treasurer at the time of the alleged violation and are therefore a respondent in this matter.

The Commission considered the argument contained in your letter to Orlando Potter dated December 22, 1976 prior to making its reasonable cause to believe determination.

The Commission has determined that the term "any other political committee" contained in 2 U.S.C. §441a(a)(1)(C) does not apply to unauthorized single candidate committees to which the Commission believes a \$1,000 contribution limit applies. See Re: AOR 1976-20.

If you wish to continue negotiations in this matter, please respond within five days. If you have any questions, contact Suzanne Callahan at 202/523-4058.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosure

Collection MUR 658 U.S.

PS Form 3811, Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

- 1 The following service is requested (check one).
- Show to whom and date delivered.
  - 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: Joseph Suite 1010 1712 Eye St NW

3. ARTICLE DESCRIPTION: REGISTERED NO. 943734 CERTIFIED NO. INSURED NO. DC 20096

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY [Signature] POSTMARK

5. ADDRESS (Complete only if requested) 1712 EYE ST. NW WASH. D.C. 20006 # 1010

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

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FEDERAL ELECTION COMMISSION

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

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§441a(a)(1)(C) and (a)(2)(C) persons 1/

1/ "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.



and multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year to "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act to Governor Reagan may contribute any amount to Delaware Volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to

a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the

symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

<sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

<sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

ANTHONY ROBERT MARTIN-TRIGONA

FEDERAL ELECTION COMMISSION

3004  
5007

OCT 18 AM 9:50:42  
CHICAGO, ILLINOIS 60611  
(312) 467-6780

October 14, 1978

807023

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street NW  
Washington, DC 20463

Re: Your letter of August 31, 1978  
Illinois Consumers for Carter/Mondale

Dear Mr. Oldaker:

Your letter of August 31st reached me through a leak at the Commission, because it has never been delivered to me via the mails.

I find the statements in that letter absurd to say the least. I therefore ask that you drop your wild goose chase immediately. First, there were, and are, so far as I am aware no limitations on independent expenditures in support of any candidate for federal office.

Second, while the Illinois Consumers for Carter/Mondale may have registered as a single candidate committee, it functioned as a multi-candidate committee supporting all Illinois federal Democratic candidates through televised programs.

Third, at all stages of the committee's operation, we were in touch with the Commission staff to insure we were in compliance, since this was, as I am sure you are aware, a novel area of law.

Thus, I am not going to pay you any tribute or any other form of extortion money in return for your not harassing me. In addition, since you personally will be a defendant in a law suit I may bring against the agency for crackpot litigation and harassment, I ask that you disqualify yourself from any involvement in this matter.

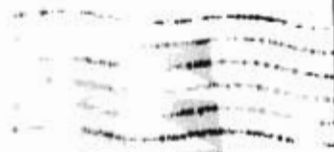
Respectfully Submitted,

ANTHONY R. MARTIN-TRIGONA

ARMT:sp



BOX 11204  
CHICAGO, ILLINOIS 60611



Mr. William Oldaker  
Federal Election Commission  
1325 K St. NW  
Washington, DC 20463

0



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: OCTOBER 3, 1978  
SUBJECT: MUR 658 (78) - Interim Conciliation  
Report dated 9-27-78  
Signed: 9-28-78; Received in  
OCS: 9-29-78, 12:24

The above-named document was circulated on a 24  
hour no-objection basis at 11:30, October 2, 1978.

The Commission Secretary's Office has received  
no objections to the Interim Conciliation Report at of  
12:00 this date.

7001011120

September 29, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached Interim Conciliation  
Report distributed to the Commission.

Thank you.

79040111121

RECEIVED  
OFFICE OF THE  
MANAGING SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION  
September 27, 1978

78 SEP 29 P12: 24

In the Matter of )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )  
Illinois Consumers for Carter-Mondale )

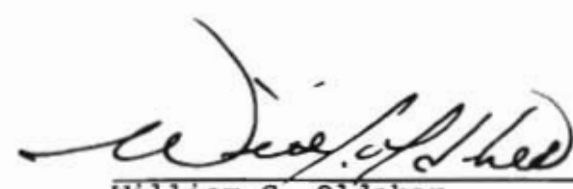
INTERIM CONCILIATION REPORT

On August 30, 1978, the Commission found reason to believe that Mr. Anthony Martin-Trigona may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and found reasonable cause to believe that the Committee has violated §441a for accepting and retaining those funds.

Mr. Martin-Trigona has not responded to the Commission's notification; the Committee responded on September 15, 1978.

We are currently negotiating with the Committee and will apprise the Commission accordingly.

9/28/78  
DATE

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel

7004011022

ACC#  
4953

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
-----  
(202) 898-8800  
(202) 898-8492

RECEIVED  
FEDERAL ELECTION  
COMMISSION

'78 SEP 21 PM 9:15

September 15, 1978

William Oldaker  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

806365

Dear Bill,

RE: MUR 658

This letter is in response to your letter dated August 31, 1978. First of all, I have attempted to contact Suzanne Callahan at 523-4058 six times this week but no one answered the phone. Phones at a government agency should not ring unattended.

Secondly, I resigned as treasurer of Illinois Consumers for Carter/Mondale on May 5 1977 and submitted a copy of this resignation to the FEC. See attachment.

Since I am no longer an official of Illinois Consumers for Carter/Mondale I am writing only on my own behalf and not on behalf of the committee. You should write to the Committee in care of Mr. Martin-Trigona in Chicago, Illinois. I don't know if the Committee is still in existence.

The alleged violation that you are concerned with is not a violation at all. I explained this in a letter to Lan Potter on December 22, 1976. See attachment. Mr. Potter never responded to my letter and therefore I assumed that he was in agreement with my arguments.

Illinois Consumers for Carter/Mondale is not an authorized committee for any candidate. It therefore does not come under the \$1000 limitation of Section 441a(a)(1)(A) and of course does not come under (1)(B). Therefore it is "any other political" committee under (1)(C) and is subject to a \$5,000 limitation on contributions.

The contribution was not made to a federal candidate but was an independent contribution which was used to make independent expenditures.

If you want to discuss this further please call me.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

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JOEL D. JOSEPH

ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006

(202) 338-8960  
(202) 338-8492

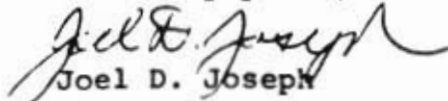
May 5, 1977

Anthony R. Martin-Trigona  
Chairman  
Illinois Consumers for Carter/Mondale  
ONE IBM Plaza  
Suite 2910A  
Chicago, Illinois 60611

Dear Tony,

I hereby resign as treasurer of Illinois Consumers for Carter/Mondale. You should get a new treasurer so that reports can be filed with the Federal Election Commission until the committee disbands.

Sincerely yours,

  
Joel D. Joseph

c.c. Federal Election Commission

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JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

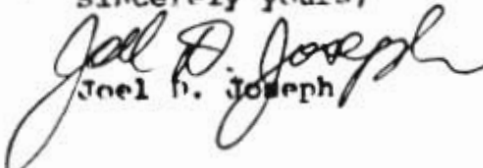
Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

  
Joel D. Joseph

7001011122

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006



William Oldaker  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463





FEDERAL ELECTION COMMISSION

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

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
One IBM Plaza, Suite 2910A  
Chicago, Illinois 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 you loaned the Committee \$5,000; by letter dated September 1, 1977, you stated that you had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of a candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that you have exceeded your contribution limitations by \$4,000.

On August 30, 1978, the Commission determined that there is reason to believe you may have violated 2 U.S.C. §441a.

The Commission has a duty to correct such violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return it to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely yours,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosure

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6 1 1 1 0 1 0 0 7

✓ *100K 658-Canada*

PS Form 3877, Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

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

Show to whom and date delivered  C

Show to whom, date, and address of delivery  C

RESTRICTED DELIVERY  
Show to whom and date delivered  C

RESTRICTED DELIVERY  
Show to whom, date, and address of delivery  C

(CONSULT POSTMASTER FOR FEES!)

2. ARTICLE ADDRESSED TO

*Canada Post*

3. ARTICLE DESCRIPTION

REGISTERED NO. CERTIFIED NO. INSURED NO.

*743006*

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY  POSTMARK

*4-6-75*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

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C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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FEDERAL ELECTION COMMISSION

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

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 Anthony Martin-Trigona loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

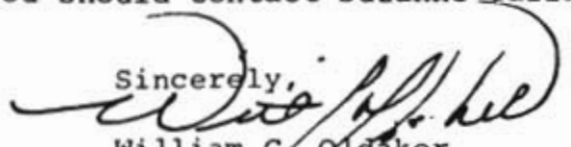
As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August 30, 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

  
William C. Oldaker  
General Counsel

Enclosure

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (The Committee) indicate that in October of 1976 Anthony Martin-Trigoas loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(3). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August 1, 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

7904011133

BEFORE THE FEDERAL ELECTION COMMISSION

August 20, 1978

In the Matter of )

Illinois Consumers for Carter-Mondale, and )  
Joel Joseph, Treasurer )

MUR 658 (78)

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, Illinois Consumers for Carter-Mondale violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Illinois Consumers for Carter-Mondale ("the Committee") and Joel Joseph having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

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

II. That respondents have 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. On September 24, 1976, the Committee registered with the Commission as a multicandidate committee.

B. The Committee, during its entire existence, acted as a single candidate committee supporting only the candidacy of

700401134



James Carter/ Walter Mondale.

C. The Committee accepted and retained a \$1000 loan on October 1, 1976, and a \$4000 loan on October 13th from Anthony Martin-Trigona.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. The Committee accepted a contribution in excess of the limitations set forth in the Federal Election Campaign Act, of 1971, as amended.

Therefore, respondents Illinois Consumers for Carter-Mondale and Joel Joseph agree:

I. Respondents' actions in accepting contributions in excess of the limitaitons is in violation of 2 U.S.C. §441a.

II. That respondents will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become

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effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel Joseph  
Treasurer  
Illinois Consumers for Carter-Mondale

7001011135

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
) MUR 658(78)  
)  
Anthony Martin-Trigona; )  
Illinois Consumers for )  
Carter-Mondale )


CERTIFICATION

I, Joyce E. Thomann, Recording Secretary to the Federal Election Commission, do hereby certify that on August 30, 1978 by a vote of 5-0, (Commissioner William L. Springer abstaining; Commissioners Aikens, Tiernan, Harris, Staebler and Thomson voting in the affirmative) the Commission approved the recommendations contained in the General Counsel's report dated August 23, 1978.

TO WIT:

1. FIND REASON TO BELIEVE that Mr. Anthony Martin-Trigona may have violated 2 U.S.C. §441a.
2. FIND REASONABLE CAUSE TO BELIEVE that the Illinois Consumers for Carter-Mondale have violated 2 U.S.C. §441a.
3. SEND NOTIFICATION LETTERS AND CONCILIATION AGREEMENTS to respondents.

  
\_\_\_\_\_  
Joyce E. Thomann  
Recording Secretary

  
\_\_\_\_\_  
for Marjorie W. Emons,  
Secretary to the Commission

DATED: August 31, 1978

7904011137



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MUR*

SUBJECT: MUR 658 - General Counsel's Report  
dated 8-23-78, Received in  
Office of Commission Secretary  
8-24-78, 1:22

DATE: AUGUST 28, 1978

The above-named document was circulated on a  
48 hour vote basis on August 25, 1978 at 9:00 a.m.

Commissioner Tiernan submitted an objection at  
12:19 this date thereby placing MUR 658 on the Amended  
Agenda for August 30, 1978.

A copy of Commissioner Tiernan's vote sheet is  
attached.

ATTACHMENT -  
Vote Sheet

cc: Commissioner Tiernan



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FEDERAL ELECTION COMMISSION

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

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

EXECUTIVE SESSION  
30 AUG 1978

78 AUG 28 P12: 19

9:00

Date and Time Transmitted: August 26 1978 -

Commissioner Norman

RETURN TO OFFICE OF COMMISSION SECRETARY BY: AUGUST 29, 1978 - 9:00

MUR No. 658 - General Counsel's Report dated 8-23-78

- ( ) I approve the recommendation
- () I object to the recommendation

COMMENTS: see Conciliation agreement for  
Joel Joseph. Couldn't this be dealt with as  
a reporting violation (i.e. individual independent  
expenditure

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



7904011139

August 24, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa F. Garr  
SUBJECT: MUR 658

Please have the attached General Counsel's Report on MUR 658 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904011140

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Anthony Martin-Trigona ) MUR 658(78)  
Illinois Consumers for Carter-Mondale )

GENERAL COUNSEL'S REPORT

I. ALLEGATION

This matter was referred to the Office of General Counsel from the Reports Analysis Division after a records review indicated that Anthony Martin-Trigona contributed \$5,000 to the Illinois Consumers for Carter-Mondale (the Committee) in violation of 2 U.S.C. §441a. (Attachment I)

II. LEGAL ANALYSIS

On September 24, 1976, the Committee registered with the Commission as a multi-candidate committee; however, records indicate that all committee expenditures were made solely on behalf of James Carter and Walter Mondale, thereby making it a single candidate committee.

Mr. Martin-Trigona, the Committee chairman, loaned the Committee \$1,000 on October 1, 1976 and loaned an additional \$4,000 on October 13th. The Committee was notified on December 3, 1976, that the Commission had reason to believe a violation of 2 U.S.C. §441a may have been committed. The committee treasurer responded to the Commission's notification on December 22nd by stating that the Illinois Consumers for Carter-Mondale is not an authorized committee and therefore permitted to accept a contribution in the amount of \$5000

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from an individual, as set forth in §441a(a)(1)(C). (Attachment II) Reports Analysis Division records do not indicate why no further action was taken in this matter beyond the reason to believe stage.

By letter dated September 1, 1977, the respondent notified the Commission that he had forgiven the \$5,000 debt owed to him by the committee.

As set forth in 2 U.S.C. §441a(a)(1)(A), an individual may contribute \$1,000 per election to a federal candidate. Contributions, made either directly or indirectly on behalf of a particular candidate, are considered contributions to that candidate. 2 U.S.C. §441a(a)(8).

The Joint Explanatory Statement of the Committee of Conference, in explaining the provisions of §441a, stated, "The conferees also agree that the same limitations on contribution that apply to candidates shall also apply to committees making expenditures solely on behalf of such candidate." (Conf. Rpt. No. 94-105 M, p. 58, April 28, 1976)

The Commission, in Re: AOR 1976-20, made its position clear regarding the contribution limitations in §441a. The opinion states that an individual may "contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate" provided that the individual has not also contributed directly to the candidate or his authorized committees.<sup>1/</sup> (11 C.F.R. 110.1(h))

<sup>1/</sup> A review of the Commission's G Index covering 1975 to the present, indicate that the respondent has not contributed to any other committees which support Carter.

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Therefore, it appears that Mr. Martin-Trigona has exceeded the contribution limitations set forth in §441a by \$4,000 and the Illinois Consumers for Carter-Mondale has accepted and retained a contribution in violation of §441a.<sup>2/</sup>

III. RECOMMENDATION

1. Find reason to believe Mr. Martin-Trigona may have violated §441a.
2. Find reasonable cause to believe that the Illinois Consumers for Carter-Mondale have violated 2 U.S.C. §441a.
3. Send attached notification letters and conciliation agreements to respondents.

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Date

8/23/78



William C. Oydaker  
General Counsel

<sup>2/</sup> If Mr. Martin-Trigona had contributed \$5,000 to a committee which he believed to be a multicandidate committee but was actually a single candidate committee, we would recommend that only the recipient committee be pursued. However, Mr. Martin-Trigona's position as chairman of the committee in question indicates that he was aware of the committee's activities and single candidate status. Therefore, we recommend that he be a respondent in this case.

BEFORE THE FEDERAL ELECTION COMMISSION

August 20, 1978

In the Matter of )

Illinois Consumers for Carter-Mondale, and )  
Joel Joseph, Treasurer )

MUR 658 (78)

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, Illinois Consumers for Carter-Mondale violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Illinois Consumers for Carter-Mondale ("the Committee") and Joel Joseph having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

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

II. That respondents have 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. On September 24, 1976, the Committee registered with the Commission as a multicandidate committee.

B. The Committee, during its entire existence, acted as a single candidate committee supporting only the candidacy of

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James Carter/ Walter Mondale.

C. The Committee accepted and retained a \$1000 loan on October 1, 1976, and a \$4000 loan on October 13th from Anthony Martin-Trigona.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. The Committee accepted a contribution in excess of the limitations set forth in the Federal Election Campaign Act, of 1971, as amended.

Therefore, respondents Illinois Consumers for Carter-Mondale and Joel Joseph agree:

I. Respondents' actions in accepting contributions in excess of the limitaitons is in violation of 2 U.S.C. §441a.

II. That respondents will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become

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effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel Joseph  
Treasurer  
Illinois Consumers for Carter-Mondale

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BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

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C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 Anthony Martin-Trigona loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August , 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker  
General Counsel

Enclosure





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
One IBM Plaza, Suite 2910A  
Chicago, Illinois 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 you loaned the Committee \$5,000; by letter dated September 1, 1977, you stated that you had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of a candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that you have exceeded your contribution limitations by \$4,000.

On August , 1978, the Commission determined that there is reason to believe you may have violated 2 U.S.C. §441a.

The Commission has a duty to correct such violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. §437g (a)(5)(A). We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return it to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely yours,

William C. Oldaker  
General Counsel

Enclosure

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ATTACHMENT I



FEDERAL ELECTION COMMISSION

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

June 20, 1978

MEMORANDUM

TO: GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER, STAFF DIRECTOR *O.P.*

FROM: TOM HASELHORST *TH*

SUBJECT: CONTRIBUTIONS TO SINGLE CANDIDATE UNAUTHORIZED COMMITTEE

We are attaching a copy of a potential referral to the General Counsel's Office for compliance action. There appears to be a conflict between O.C. 1976-20, 11 CFR 110.1(h) and 2 U.S.C. 441a(a)(1) concerning the correct contribution limitation. O.C. 1976-20 places a \$1,000 limit on contributions by individuals to this type of committee while 2 U.S.C. 441a(a)(1) states that any political committee other than a national party committee or a candidate's principal campaign committee or authorized committee(s) can receive up to \$5,000 from an individual contribution. Which is the correct contribution limitation? *ACL 76-20*

In addition, 11 CFR 109.1(a) removes any limitation on expenditures made independently of the candidate or his/her agents. If the sole activity of an unauthorized single candidate committee consists of making independent expenditures, that committee would have no limit placed on their expenditures. Should there be a limit on the amount one can contribute to such independent committees? *yes*

If this is made into a compliance matter please notify Carroll Bowen of that action along with the assigned MUR number.



Date \_\_\_\_\_

Analyst Bob Pease

TO: William Oldaker

Team Chief Craig Crooks

Compliance Review CB

THROUGH: Staff Director

FROM: Assistant Staff Director for Reports Analysis

DESCRIPTION:

Candidate/Committee Illinois Consumers For Carter/Mondale

Treasurer Mr. Joel Joseph

Address One IBM Plaza, Suite 2901A, Chicago, IL 60611

REPORTS: (For reports reviewed, amendments, RFAI's, etc, see indices, Attachment 1)

Period Covered from 10 Day pre-election report ~~was~~ general election 1976

Total Receipts \$ 5000 Total Expenditures \$ 1248.80

Cash on Hand \$ -0- Debts \$ -0-

REASON(S) FOR REFERRAL:

<u>Allegation(s)</u>	<u>Cite</u>	<u>Attachment</u>
<u>This concerns an excessive loan, later changed</u>	<u>110.(h)</u>	<u>A</u>
<u>to a contribution, from a single candidate</u>		<u>B</u>
<u>unauthorized committee. The contribution exceeds</u>	<u>AOR-1976-20</u>	<u>C</u>
<u>the \$1000 limitation on such committees.</u>		

HISTORY:

The first report filed by this committee, the 10 day report preceeding the  
general election, contained two loans aggregating \$5000 from Anthony Martin-  
Trigona - \$1000 on 10/1/76 and \$4000 on 10/13/76. These loans were forgiven  
on the termination report filed by this committee. This loan/contribution  
was made subsequent to AOR-1976-20 and therefore is a violation of that  
opinion and of 110.1(h).

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3 10  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

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

RECEIVED  
FEDERAL ELECTION  
COMMISSION

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

1(a) Name of Candidate or Committee (in full)  Check if name or address is changed  
**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

2 Identification Number  
**000065820 C99000085**

(b) Address (number and street)  
**ONE IBM PLAZA, SUITE 2910A**

(c) City, State and Zip Code  
**Chicago, Illinois 60611**

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

(b) If "Yes," for which election? **General** on **Nov 2, 197**  
(general, primary, runoff) (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 **General** election on **Nov 2** in the State of **Illinois**  
(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 \_\_\_\_\_ Through \_\_\_\_\_

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19 .....		\$ None
7 Cash on hand at beginning of reporting period .....	\$ None	
8 Total receipts (from line 19) .....	\$ 5000.00	\$ 5000.00
(a) Subtotal (Add lines 7 and 8) .....	\$ 5000.00	\$ 5000.00
9 Total expenditures (From line 25) .....	\$ 1248.80	\$ 1248.80
10 Cash on hand at close of reporting period (Subtract line 9 from line 8) .....	\$ 3751.20	\$ 3751.20
11 Contributed items on hand to be liquidated (attach itemized list) .....	\$	\$
<b>Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)</b>		
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) .....		\$

5X P60000247

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

**JOEL D. JOSEPH** (Typed Name of Treasurer or Candidate) *Joel D. Joseph* (Signature of Treasurer of Candidate) **10-20-76** (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.

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✓

Name of Candidate or Committee

REPORT COVERING THE PERIOD  
FROM: TO:

**PART I - RECEIPTS**

Column A  
This Period  
Column B  
Calendar year-to-date

**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) .....

\$ ..... 5000.00

(b) Unitemized .....

\$ .....

(c) Subtotal of loans and loan repayments received .....

\$ 5000.00

\$ 5000.00

**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) .....

\$ .....

(c) Subtotal of transfers in .....

\$ .....

**19 Total Receipts** .....

\$ 5000.00

\$ 5000.00

**PART II - EXPENDITURES**

**20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):**

(a) Itemized (use Schedule B) .....

\$ ..... 121.80

(b) Unitemized .....

\$ ..... 121.80

(c) Subtotal of operating expenditures .....

\$ 121.80

\$ 121.80

**21 Independent Expenditures (use Schedule E)** .....

\$ 1127.00

\$ 1127.00

**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** .....

\$ 1248.80

\$ 1248.80

**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)** .....

\$ 5000.00

**PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES**

**28 Total Receipts (from line 19)** .....

\$ 5000.00

**29 Transfers In (from line 18(a))** .....

\$ .....

**30 Net Receipts (Subtract line 29 from line 28)** .....

\$ 5000.00

**31 Total Expenditures (from line 25)** .....

\$ 1248.80

**32 Transfers out (from line 24(a))** .....

\$ .....

**33 Net Expenditures (Subtract line 32 from line 31)** .....

\$ 1248.80

\$ 1248.80

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

LINE NUMBER 16

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

Commission  
Street, N.W.  
ington, D.C. 20463

Name of Candidate or Committee in full

**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
ANTHONY R. MARTIN-TRIGONA One IBM plaza, Suite 2910A Chicago, Illinois 60611		10-1-76	\$1000.00
Principal place of business Same as above		10-13-76	\$4000.00
Occupation self-employed			
<input checked="" type="checkbox"/> Check if Contributor is self-employed			
Aggregate Year-to-date ..... ▶ \$ 5000.00			
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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) .....		▶	\$ 5,000.00

Module E  
1976  
Federal Election Commission  
25 K Street, N.W.  
Washington, D.C. 20463

Itemized Independent Expenditures  
for Line 21 F.E.C. Form 3

(See reverse side for instructions)

Name of Candidate or Committee in full <b>ILLINOIS CONSUMERS FOR CARTER/MONDALE</b>	Id. No. <b>c00065920</b>
Full Name, mailing address and ZIP code <b>ONE IBM Plaza, Suite 2910A, Chicago, Illinois 60611</b>	Is This a Separate Report by a Committee Filing on FEC Form 3A? <u>NO</u>

Itemize expenditures which exceed, in the aggregate, \$100 within a calendar year

Full Name, mailing address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
WICA MIDWEST TELEVISION Champaign, Illinois 61820	TV time and production	Oct. 14, 1976	\$1127.00	James Carter Walter Mondale

(a) Subtotal of Itemized Independent Expenditures .....	\$ 1127.00	
(b) Subtotal of Unitemized Independent Expenditures .....	\$	
(c) Total Independent Expenditures .....	\$ 1127.00	

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this 21 day of October 19 76.  
My Commission Expires 5/31/81  
*Harold J. M. Elmer*  
NOTARY PUBLIC

*Joseph R. Joseph* 10-21-76  
Signature Date

79791074457

ANTHONY R. MARTIN-TRIGONA

FEDERAL ELECTION COMMISSION  
OLYMPIC TOWER, SUITE 22P  
641 FIFTH AVENUE  
NEW YORK, NEW YORK 10022  
(212) 838-1498

17 SEP 6 AM 9:36

ONE IBM PLAZA, SUITE 2910A  
CHICAGO, ILLINOIS 60611  
(312) 467-8780

PLEASE REPLY TO One IBM Plaza

September 1, 1977

Ms. Sharon L. Snyder  
Branch Chief, Disclosure Section  
Federal Election Commission  
Washington, D.C. 20463

Re: Illinois Consumers for Carter/Mondale

Dear Ms. Snyder:

Thank you for your letter of August 22nd to which this is a response.

Other than winding up the affairs of the Committee (which was done largely in 1976) there was no activity in 1977.

I received a check for the bank balance in the account of \$51.19 dated March 7th, to close out the bank account.

The balance of my loan to the committee was forgiven. In view of the fact that the debt was owed to an officer of the committee, I believe all relevant information would already be in file. Except for the \$51.19 return on the loan, the entire amount was forgiven.

Thank you for your help in terminating the committee filing status.

With all best wishes,

  
ANTHONY ROBERT MARTIN-TRIGONA

ARMT:sp

7 9 7 7 1 0 3 1 0 1 5 1 7 1 5 5 0 5 7







FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20463

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§411a(a)(1)(C) and (a)(2)(C) persons 1/

1/ "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.

7904011160



multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate reported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act concerning Governor Reagan may contribute any amount to Delaware volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to

a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the

7904010162

symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

<sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

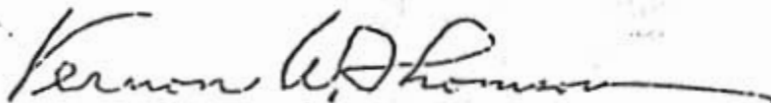
<sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

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+110.1h

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

79040164

1. Enclosure

REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE August 11, 1978 ANALYST \_\_\_\_\_

TO: General Counsel ATTENTION: Suzanne Callahan TEAM CHIEF \_\_\_\_\_

THROUGH: STAFF DIRECTOR <sup>B.L. for</sup> O.A.P. COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *L. Zella for T. Hasselquist*

MUR No. 658 (78) DATE OF ORIGINAL REFERRAL June 14, 1978

\*\*PURPOSE: INFORMATION

Per your request for further information regarding our referral on Illinois Consumers for Carter/Mondale, our records indicate that a first notice surface violation letter was sent to the committee on November 12, 1976. No response was received, therefore, reason to believe was found and a letter of notification was sent to the committee on December 3, 1976. Our records indicate that the letter was not received due to an address change, and a second letter was mailed on December 21, 1976. A letter dated December 22, was received on December 27, 1976 in response to our notices, but was not followed up.

We do not know why this matter was not pursued any further at that time; however, new compliance procedures uncovered this error and the matter was referred to the General Counsel for review.

OUTCOME: (if applicable)

ATTACHMENTS:

- 11/12/76 Notice
- 12/3/76 & 12/21/76 Notice (RTB) and certification
- 12/22/76 letter of response
- RAD compliance control card
- Certified mail log

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
 \*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

7 0 0 1 0 1 1 1 5 5





December 3, 1976

MEMORANDUM FOR: NANCY DAVIS

FROM:

MARJORIE EMMONS *MWE*

RE:

RAS # 17; RAS # 18; RAD # 5; and RAD # 6

The above mentioned RASs and RADs were transmitted to the Commissioners on December 2, 1976 at 12:30 p.m.

As of 12:30 on December 3, 1976 no objections have been received.

7974011157

**"Reason to Believe"**  
**Committees to Receive 2nd Letters Surface Violations**  
**Failure to respond**  
**to First letter RAD**

- 7 9 7 4 0 1 1 1 6 8
- ~~1. John R. Parick Congressional Campaign Committee (Louisiana) Miscellaneous report  
(C00004762)~~
  2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General  
(C00065920)
  - ~~3. Tisdale for Congress (Connecticut) 30 Day Post-election  
(C00055410)~~
  4. Green County Republican Central Committee (Indiana)  
NON-REGISTERED
  5. Democratic Party of Cook County (Illinois)  
NON-REGISTERED
  6. Pulaski County Republican Central Committee (Indiana)  
NON-REGISTERED
  7. Noble County Republican Central Committee (Indiana)  
NON-REGISTERED
  8. Miami County Republican Central Committee (Indiana)  
NON-REGISTERED
  9. Lake County Republican Central Committee (Indiana)  
NON-REGISTERED
  10. Muskegon County Republican Finance Committee (Michigan)  
NON-REGISTERED
  11. Citizens for Freedom, Inc. (Missouri)  
NON-REGISTERED
  - ~~12. Richmond Republican City Committee (Indiana)  
NON-REGISTERED~~
  - ~~13. Florida Friends for Reagan (Florida)  
NON-REGISTERED~~
  14. TransportWorkers Political Contributions Committee (New York) October Monthly  
(C00008268)
  - ~~15. Mike McCormack Congressional Committee (Washington) October 10 Quarterly  
(C00000851)~~
  16. Plumbers Union Local #609 Committee for Political Action (Penn.)  
NON-REGISTERED
  - ~~17. League of Conservation Voters (California)  
NON-REGISTERED~~
  18. Coles County Republican Central Committee (Illinois) May 10 report of Citizens for  
Reagan  
(C00068551)
  - ~~19. Grabow for Congress Committee (Ohio) October 10  
(C00051581)~~
  20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10  
(C00047670)
  21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election  
(C00053405)
  - (22.) Ed gadix for Congress Committee (Georgia)October 10 report  
(C00051490)
  23. Green for Senate Committee (Penn.) October 10 Quarterly  
(C00033522)



FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)

Dear \_\_\_\_\_:

On \_\_\_\_\_, you were notified that certain entries in the \_\_\_\_\_ Report of Receipts and Expenditures filed by your committee raised problems under section \_\_\_\_\_ of the Federal Election Campaign Act of 1971, as amended.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of section \_\_\_\_\_.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Commissioner

700401150



18 DEC 27 10:17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) of Title 2, United States Code, clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

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78030722959

TYPE OF REPORT	1ST NOTICE			2ND NOTICE			3RD NOTICE		
	SENT	DUE	RESP.	SENT	DUE	RESP.	SENT	DUE	RESP.
10-Day	11/12	11/27		12-3-76	12-19-76				
RAS(D) #				12/21/76	1/5/77	Telegram 12/22			
<del>RADARSS</del>	REMARKS			REMARKS RESENT DUE TO ADDRESS CHANGE 12/21/76			REMARKS		
TYPE OF REPORT									
RAS(D) #									
	REMARKS			REMARKS			REMARKS		

ANALYST'S INITIALS

*DTW*

se and  
dress  
ender

RAS 12/20

Indicate type of mail:  
 REGISTERED  REGISTERED  
 C O D  
 CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional  
 copies of this bill  
 POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEES	R R FEES	POST INS.	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
25	Taylor 1766 Lookout Hill Fruitless, Co	203	12.3					
26	Joseph 1712 E ST N.W. Wash, DC 20062	504	42.		10			

1. NO. OF PIECES BY SENDER

TOTAL NO. OF PIECES REC'D AT P.O.

POSTMASTER: PER (name of receiving employee)

\*Show under "Remarks" class postage paid if other than first or if international.

Form 3877, Jan. 1972

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Handling charges are not required on international registered mail)

7 2 1 1 1 1 0 0 0 0 0 0

18 DEC 27 AB: 17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5660

December 22, 1976

Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

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I trust that this clarifies the matter.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

7974011173  
78030722959

REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE 9/12/78

ANALYST Bill Coppel

TO: OFFICE OF GENERAL COUNSEL  
ATTENTION: CHRIS TOW

TEAM CHIEF Suzanne Wilson

THROUGH: STAFF DIRECTOR *af*

COMPLIANCE REVIEW Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *DK*

AUDIT No. 29  
MUR No. 658

DATE OF ORIGINAL REFERRAL 5/23/78

\*\*PURPOSE: OTHER RELEVANT INFORMATION: RECEIPT OF 30-DAY POST PRIMARY TERMINATION REPORT.

On 9/6/78, our division received a 30-Day Post Primary Report/Termination Report from the Illinois Democratic Campaign Committee (see attachment # 1). The report covers the period from 3/10/78 through 4/21/78.

Upon review of the report, the following Request For Additional Information was prepared, (see attachment #2), and will be sent upon notification by your division.

OUTCOME: (if applicable)

7904711174

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
\*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.



ANTHONY ROBERT MARTIN-TRIGONA RECEIVED  
SECRETARY OF THE SENATE

1978 SEP '6 AM 9 48

HAND DELIVERED

BOX 11204  
CHICAGO, ILLINOIS 60611  
(312) 467-6780

August 20, 1978

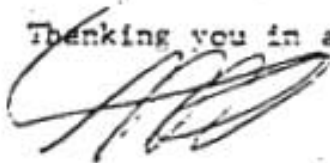
Secretary of the Senate  
119 D Street, NE  
Washington, DC 20510

Dear People:

Enclosed please find a combination post election and  
termination report.

Please return one file stamped copy to us for our records.

Thanking you in advance.



ANTHONY R. MARTIN-TRIGONA

ASVT:sp

7904011173

**REPORT OF RECEIPTS AND EXPENDITURES  
FOR A CANDIDATE OR COMMITTEE  
SUPPORTING CANDIDATE(S) FOR  
NOMINATION OR ELECTION TO FEDERAL OFFICE**

SECRET  
1978 CAP

1978  
Election Commission  
1225 K Street, N.W.  
Washington, D.C. 20463

(Except for Candidates or Committees Receiving Federal Matching Funds)

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

1 Illinois Democratic Campaign Committee 52397 2 I.D. No. 58IL00097  
 Name of Candidate or Committee (in full) IL DEM C 871 Candidate's Committee  
Box 11204 3 United States Senator/Illinois  
 Address (number and street) Chicago, IL 60611 Office Sought, State/District (if applicable)  
 City, State and ZIP Code  Check if address is different than previously reported. Year of Election 1978

4 Type of Report (check appropriate boxes)

April 10 Quarterly Report       Tenth day report preceding \_\_\_\_\_ election  
 (primary, general or convention)

July 10 Quarterly Report      on \_\_\_\_\_ in the State of \_\_\_\_\_  
 (date)

October 10 Quarterly Report       Thirtieth day report following Primary election  
 (primary, general or convention)

January 31 Annual Report      (which report)

Monthly Report \_\_\_\_\_ on \_\_\_\_\_ in the State of \_\_\_\_\_  
 (month) (date)


This is a report for  Primary Election     General Election     Primary and General     Other (specify runoff, etc.)

**SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year-To-Date
<u>3/10/78</u> Through <u>4/21/78</u>		
6 Cash on hand January 1, 1978		\$ 241,551.01
7 Cash on hand at beginning of reporting period	\$ 125,060.93	
8 Total receipts (from line 18)	\$ 434,976.20	\$ 534,976.20
(a) Subtotal: Add lines 7 and 8 for Column A and lines 6 and 8 for Column B:	\$ 560,057.13	\$ 776,527.21
9 Total expenditures (from line 25)	\$ 560,057.13	\$ 776,527.21
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 0	\$ 0
11 Value of contributed items on hand to be liquidated (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize on Schedule D)	\$ _____	
13 Debts and obligations owed by the Committee/Candidate (itemize on Schedule D)	\$ _____	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
7/10/78      Anthony R. Martin-Trisena  
 (Date)      (Typed Name of Treasurer or Candidate)      (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 4372, or Section 447j (see reverse side of form).

For further information, contact:  Federal Election Commission  
 1225 K Street, N.W.  
 Washington, D.C. 20463      or call 300/424-4630

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

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.

779002 001111718 A 5

**OF CANDIDATE OR COMMITTEE**  
 Illinois Democratic Campaign Committee

**REPORT COVERING THE PERIOD**  
 FROM: 3/10/78 TO: 4/21/78

**RECEIPTS**

**Column A**  
 This Period

**Column B**  
 Calendar Year-To-Date

Contributions from individuals (including contributions in-kind):

(a) Itemized (use Schedule A) .....	\$ 434,976.20	
(b) Unitemized .....	\$	
(c) Sales and collections included above: List by event on memo Schedule D (S _____)	434,976.20	434,976.20
(d) Subtotal of contributions from individuals .....	\$	\$
<b>Transfers from Political Committees:</b>		
(a) Funds from affiliated/authorized committees (itemize on Schedule A regardless of amount) .....	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount) .....	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount) .....	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees .....	\$	\$
<b>Other income:</b>		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of other income .....	\$	\$
<b>Loans and Loan Repayments Received:</b>		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of loans and loan repayments received .....	\$	\$ 100,000.00
<b>Refunds, Rebates, Returns of Deposits:</b>		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of refunds, rebates, returns of deposits .....	\$	\$
<b>Total Receipts</b> .....	\$ 434,976.20	\$ 534,976.20

**EXPENDITURES**

<b>Operating Expenditures:</b>		
(a) Itemized (use Schedule B) .....	\$ 10,051.13	
(b) Unitemized .....	\$ 6.03	
(c) Subtotal of operating expenditures .....	\$ 10,057.13	\$ 226,527.21
<b>Loans, Loan Repayments, and Contribution Refunds Made:</b>		
(a) Itemized (use Schedule B) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of loans and loan repayments made and contribution refunds .....	\$ 550,000.00	\$ 550,000.00
<b>Transfers Out to Political Committees:</b>		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount) .....	\$	
(b) To other committees (itemize on Schedule B regardless of amount) .....	\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount) .....	\$	
(d) Subtotal of transfers out .....	\$	\$
23. Independent Expenditures (use Schedule E) .....	\$	\$
24. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule F) .....	\$	\$
<b>Total Expenditures</b> .....	\$ 560,057.13	\$ 776,527.21

**RECEIPTS AND EXPENDITURES,  
 NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES**

26. Total Receipts (from line 19) .....	\$	
27. Transfers In (from line 15(d)) .....	\$	
28. Net Receipts (Subtract line 27 from line 26) .....	\$	
29. Total Expenditures (from line 25) .....	\$	
30. Transfers Out (from line 22(a)) .....	\$	
31. Net Expenditures (Subtract line 30 from line 29) .....	\$	

11/12/78 File 2  
 11/12/78 File 2  
 11/12/78 File 2

10 A  
Election Commission  
Street, N.W.  
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 1 for

LINE NUMBER 14 (a)

(Use separate schedules for each numbered line)

Name of Candidate or Committee in full

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE

Full Name, mailing address and ZIP code

Anthony Robert Martin-Trigona  
Box 11204  
Chicago, Illinois 60611

15C 581200097

SEE APPENDIX "A"

Date (month,  
day, year)

4/78

Amount of each  
receipt this period

434,976.20

Principal place of business

Chicago, Illinois

Occupation

Investor (candidate)

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 ..... ▶ \$

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 (don't total) ..... ▶ \$

Total this period (last page this line number only) ..... ▶ \$ 434,976.20

File B  
 Federal Election Commission  
 1100 K Street, N.W.  
 Washington, D.C. 20043

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 2 for

LINE NUMBER 20a

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

Name of Candidate or Committee in full

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE

Full Name, mailing address and ZIP code

WBBM  
 630 N. McClurg Ct.  
 Chicago, Ill. 60611

Purpose of Expenditure

Advertising

Date (month, day, year)

3/13/78

Amount of each expenditure this period

1,311.60

Full Name, mailing address and ZIP code

WLOO  
 875 N. Michigan AV  
 Chicago, Ill. 60611

Purpose of Expenditure

Advertising

Date (month, day, year)

3/13/78

Amount of each expenditure this period

357.00

Full Name, mailing address and ZIP code

WCLR  
 4849 Golf Road  
 Skokie, Ill. 60076

Purpose of Expenditure

Advertising

Date (month, day, year)

3/13/78

Amount of each expenditure this period

153.00

Full Name, mailing address and ZIP code

WLAK  
 875 N. Michigan Av.  
 Chicago, Ill. 60611

Purpose of Expenditure

Advertising

Date (month, day, year)

3/13/78

Amount of each expenditure this period

167.00

Full Name, mailing address and ZIP code

The Sentinel Magazine  
 323 S. Franklin  
 Chicago, Ill. 60606

Purpose of Expenditure

Advertising

Date (month, day, year)

3/11-12/78

Amount of each expenditure this period

381.78

Full Name, mailing address and ZIP code

Audio Mixers  
 740 N. Rush St.  
 Chicago, Ill. 60611

Purpose of Expenditure

Recording tapes

Date (month, day, year)

3/10/78

Amount of each expenditure this period

50.00

Full Name, mailing address and ZIP code

WBBM-TV  
 630 N. McClurg Ct.  
 Chicago, Ill. 60611

Purpose of Expenditure

Advertising

Date (month, day, year)

3/17/78

Amount of each expenditure this period

2,890.00

Full Name, mailing address and ZIP code

WLS-TV  
 190 N. State  
 Chicago, Ill. 60601

Purpose of Expenditure

Advertising

Date (month, day, year)

3/17/78

Amount of each expenditure this period

2,545.75

Subtotal of expenditures this page (optional)

\$ 7,856.13

Total this period (last page this line number only)

\$

790201137

ule B  
 76  
 al Election Commission  
 75 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**

Page 2 of 2 for  
 LINE NUMBER 20a  
 (Use separate schedules for each numbered line)

(see instructions on back)

Name of Candidate or Committee in full			
<b>ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE</b>			
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
WMAQ-TV Merchandise Mart Chicago, Ill. 60654	Advertising	3/17/78	1,870.00
WTVO-TV Meridian Rd. Box 470 Rockford, Ill. 61105	Advertising	3/20/78	325.00
Anthony Robert Martin-Trigona Box 11204 Chicago, IL 60611	Repay/cancel line oc credit	4/78	550,000.00
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
Subtotal of expenditures this page (optional) .....			\$
Total this period (last page this line number only) .....			\$560,057.13

779002401117080

APPENDIX "A"

At the outset of his campaign for the Senate, candidate established a line of credit for his campaign committee from the candidate personally.

During the course of the campaign, candidate made advances to the committee as set forth in earlier reports to the Commission.

Now, at the conclusion of the election, with candidate having been unsuccessful, there is no basis to assume that the committee could ever repay the loans which were made to the committee.

Accordingly, in this report, candidate has extinguished the debt owed to him by the Committee and entries to accomplish this result are reported to the Commission in this filing. As a result, the activities of the committee have terminated with the wiping out of the debt owed, and this report thus serves as both a post election and termination report.

7/09/04 2:00 PM 11/17/89



FEDERAL ELECTION COMMISSION

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

Mr. Anthony R. Martin-Trigona, Treasurer  
ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE  
Box 11204  
Chicago, IL 60611

Dear Mr. Martin-Trigona:

This letter is prompted by our interest in assisting Senate candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the 30-Day Post Primary Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Secretary of the Senate, Office of Public Records, 119 D Street, N.E., Washington, D.C. 20510, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Bill Coppel in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter  
- Staff Director

Attachment  
FEC Form 12





FEDERAL ELECTION COMMISSION

1325 K Street, N.W.  
Washington, D.C. 20463

TO: ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE/IL DATE: \_\_\_\_\_

I.D. NO.: C00078881

REQUEST FOR ADDITIONAL INFORMATION FOR THE 30-Day Post Primary REPORT OF RECEIPTS  
AND EXPENDITURES COVERING THE PERIOD 3/10/78 THROUGH 4/21/78  
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

Coverage Dates \_\_\_ omitted or  incorrect

Signature  omitted or \_\_\_ incorrect

\_\_\_ Summary Page Line(s) \_\_\_ Column(s) \_\_\_ Totals \_\_\_ omitted or \_\_\_ incorrect

\_\_\_ Detailed Summary (Page 2) Line(s) \_\_\_ Column(s) \_\_\_ Totals \_\_\_ omitted or \_\_\_ incorrect

\_\_\_ Schedule Totals \_\_\_ disagree with Detailed Summary (Page 2) or \_\_\_ omitted

\_\_\_ Date(s) \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Full Name(s) Omitted for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Mailing Address(es) \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Occupational Descriptions \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Principal Place(s) of Business \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Aggregate Year-to-date Totals \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Nature or Purpose of Expenditure \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Nature or Purpose of Receipt \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Inadequate Description of \_\_\_ proceeds \_\_\_ dates \_\_\_ events \_\_\_ location of Schedule \_\_\_

Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Disclosure Division toll free at (800) 424-9530. The local Washington, D.C. telephone number is (202) 523-4048.

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.

PAGE TWO

REQUEST FOR ADDITIONAL INFORMATION

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE/IL

Please be advised that 2 USC 434(c) requires reports to be cumulative for the calendar year. Please provide reports to cover the period 3/7/78 to 3/31/78 and 4/22/78 to 6/30/78.

Please be advised that your committee may not terminate its reporting requirements until all debts and obligations have been extinguished. 2 USC 434(b)(12) requires continuous reporting of debts and obligations until they have been extinguished. Please provide a Schedule C to indicate the present status of the debts reported on your 10-Day Pre-Primary Report.

7 2 2 4 0 1 1 3 1

REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE August 11, 1978 ANALYST \_\_\_\_\_

TO: General Counsel ATTENTION: Suzanne Callahan TEAM CHIEF \_\_\_\_\_

THROUGH: STAFF DIRECTOR <sup>B.L. for</sup> O.A.P. COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *L. Jella for T. Hasselquist*

MUR No. 658 (78) DATE OF ORIGINAL REFERRAL June 14, 1978

\*\*PURPOSE: INFORMATION

Per your request for further information regarding our referral on Illinois Consumers for Carter/Mondale, our records indicate that a first notice surface violation letter was sent to the committee on November 12, 1976. No response was received, therefore, reason to believe was found and a letter of notification was sent to the committee on December 3, 1976. Our records indicate that the letter was not received due to an address change, and a second letter was mailed on December 21, 1976. A letter dated December 22, was received on December 27, 1976 in response to our notices, but was not followed up.

We do not know why this matter was not pursued any further at that time; however, new compliance procedures uncovered this error and the matter was referred to the General Counsel for review.

OUTCOME: (if applicable)

ATTACHMENTS:

- 11/12/76 Notice
- 12/3/76 & 12/21/76 Notice (RTB) and certification
- 12/22/76 letter of response
- RAD compliance control card
- Certified mail log

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
 \*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

Committees who have received in excess  
of \$1,000



## FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

(ADDRESSEES)

Dear \_\_\_\_\_:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. This law has, as you know, many and sometimes complex provisions. One such provision precludes individuals and political committees, other than certain multicandidate committees, from making political contributions to a candidate for Federal election in excess of \$1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office.

During review of the \_\_\_\_\_ Report of Receipts and Expenditures filed with the \_\_\_\_\_, we noticed an entry indicating that you may have received a contribution which exceeds the limits noted above. A copy of that portion of your report is attached so that a review of your records can be made.

If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

If you find that the contribution you received was in excess of the limits set forth in the Act, the Commission recommends that you return the amount in excess of \$1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of Receipts and Expenditures.

Please notify the Commission within ten (10) days of receipt of this letter of the determination made on this matter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/392-3484) our reports analyst assigned to you.

Sincerely,

Orlando B. Potter  
Staff Director

Enclosure

Receipt Requested: Certified



December 3, 1976

MEMORANDUM FOR: NANCY DAVIS  
FROM: MARJORIE EMMONS *MWE*  
RE: RAS # 17; RAS # 18; RAD # 5; and RAD #6

The above mentioned RASs and RADs were transmitted to the Commissioners on December 2, 1976 at 12:30 p.m.

As of 12:30 on December 3, 1976 no objections have been received.

7904011187

15

**"Reason to Believe"**  
**Committees to Receive 2nd Letters Surface Violations**  
**Failure to respond**  
**to First Letter RAD**

- 7 0 0 1 0 1 1 1 8 3
- ~~1. John R. Rarick Congressional Campaign Committee (Louisiana) Miscellaneous report  
(C00004762)~~
  2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General  
(C00065920)
  - ~~3. Tisdale For Congress (Connecticut) 30 Day Post election  
(C00055418)~~
  4. Green County Republican Central Committee (Indiana)  
NON-REGISTERED
  5. Democratic Party of Cook County (Illinois)  
NON-REGISTERED
  6. Pulaski County Republican Central Committee (Indiana)  
NON-REGISTERED
  7. Noble County Republican Central Committee (Indiana)  
NON-REGISTERED
  8. Miami County Republican Central Committee (Indiana)  
NON-REGISTERED
  9. Lake County Republican Central Committee (Indiana)  
NON-REGISTERED
  10. Muskegon County Republican Finance Committee (Michigan)  
NON-REGISTERED
  11. Citizens for Freedom, Inc. (Missouri)  
NON-REGISTERED
  - ~~12. Richmond Republican City Committee (Indiana)  
NON-REGISTERED~~
  - ~~13. Florida Friends for Reagan (Florida)  
NON-REGISTERED~~
  14. TransportWorkers Political Contributions Committee (New York) October Monthly  
(C00008268)
  - ~~15. Nike McCormack Congressional Committee (Washington) October 10 Quarterly  
(C00000851)~~
  16. Plumbers Union Local #609 Committee for Political Action (Penn.)  
NON-REGISTERED
  - ~~17. League of Conservation Voters (California)  
NON-REGISTERED~~
  18. Coles County Republican Central Committee (Illinois) May 10 report of Citizens for  
Reagan  
(C00068551)
  - ~~19. Grabow for Congress Committee (Ohio) October 10  
(C00051581)~~
  20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10  
(C00047670)
  21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election  
(C00053405)
  - (22.) Ed gadix for Congress Committee (Georgia)October 10 report  
(C00051490)
  23. Green for Senate Committee (Penn.) October 10 Quarterly  
(C00033522)



FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)

Dear \_\_\_\_\_:

On \_\_\_\_\_, you were notified that certain entries in the \_\_\_\_\_ Report of Receipts and Expenditures filed by your committee raised problems under section \_\_\_\_\_ of the Federal Election Campaign Act of 1971, as amended.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of section \_\_\_\_\_.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Commissioner

7 0 0 4 7 1 1 8 0



18 DEC 27 AB: 17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

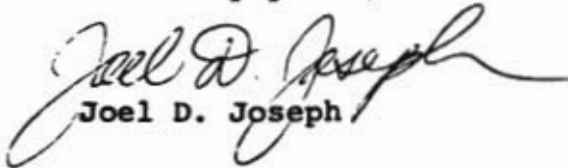
Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) of Title 2, United States Code, clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

  
Joel D. Joseph

70010111190  
78030722059



NAME OF COMMITTEE

*Illinois Consumers for Credit Repair*

TYPE OF REPORT	1ST NOTICE			2ND NOTICE			3RD NOTICE		
	SENT	DUE	RESP.	SENT	DUE	RESP.	SENT	DUE	RESP.
<i>10-Day</i>	<i>11/12</i>	<i>11/27</i>		<i>12-3-76</i>	<i>12-19-76</i>				
				<i>12/21/76</i>	<i>1/5/77</i>	<i>1/5/77</i>			
RAS(D) #									
<i>RADDRESS</i>	REMARKS			REMARKS <i>RESENT DUE TO ADDRESS CHANGE 12/21/76</i>			REMARKS		
TYPE OF REPORT									
RAS(D) #									
	REMARKS			REMARKS			REMARKS		

ANALYST'S INITIALS

*DBW*

Name and Address of Sender

RAS 12/20

Indicate type of mail  
 REGISTERED  REGISTERED COD  
 CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill  
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	PER	R R FEE	REST 104 111	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	Taylor 1706 Lookout Rd. Brimley, Co	403	12.3					
2	(Joseph) 1712 I ST N, W Wash, DC 20036	504	40	10	10			
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO. OF PIECES LISTED BY SENDER      TOTAL NO. OF PIECES REC'D AT P.O.      POSTMASTER PER (Name of receiving employee)      \*Show under "Remarks" class postage paid if other than first or if international

Form 3871, Jan. 1972      **APPLICATION FOR REGISTRATION OR CERTIFICATION**      (Handling charges are not required on international registered mail)



FEDERAL ELECTION COMMISSION

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

June 20, 1978

MEMORANDUM

TO: GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER, STAFF DIRECTOR *OBP*

FROM: TOM HASELHORST *TH*

SUBJECT: CONTRIBUTIONS TO SINGLE CANDIDATE UNAUTHORIZED COMMITTEE

We are attaching a copy of a potential referral to the General Counsel's Office for compliance action. There appears to be a conflict between O.C. 1976-20, 11 CFR 110.1(h) and 2 U.S.C. 441a(a)(1) concerning the correct contribution limitation. O.C. 1976-20 places a \$1,000 limit on contributions by individuals to this type of committee while 2 U.S.C. 441a(a)(1) states that any political committee other than a national party committee or a candidate's principal campaign committee or authorized committee(s) can receive up to \$5,000 from an individual contribution. Which is the correct contribution limitation?

In addition, 11 CFR 109.1(a) removes any limitation on expenditures made independently of the candidate or his/her agents. If the sole activity of an unauthorized single candidate committee consists of making independent expenditures, that committee would have no limit placed on their expenditures. Should there be a limit on the amount one can contribute to such independent committees?

If this is made into a compliance matter please notify Carroll Bowen of that action along with the assigned MUR number.

7901011193



REPORTS ANALYSIS REFERRAL SHEET

D # \_\_\_\_\_

Date \_\_\_\_\_

Analyst Bob Pease

TO: William Oldaker

Team Chief Craig Crooks

Compliance Review CB

THROUGH: Staff Director

FROM: Assistant Staff Director for Reports Analysis

DESCRIPTION:

Candidate/Committee Illinois Consumers For Carter/Mondale

Treasurer Mr. Joel Joseph

Address One IBM Plaza, Suite 2901A, Chicago, IL 60611

REPORTS: (For reports reviewed, amendments, RFAI's, etc, see indices, Attachment 1)

Period Covered from 10 Day pre-election report ~~xxx~~ - general election 1976

Total Receipts \$ 5000 Total Expenditures \$ 1248.80

Cash on Hand \$ -0- Debts \$ -0-

REASON(S) FOR REFERRAL:

<u>Allegation(s)</u>	<u>Cite</u>	<u>Attachment</u>
<u>This concerns an excessive loan, later changed to a contribution, from a single candidate</u>	<u>110.(h)</u>	<u>A</u>
<u>unauthorized committee. The contribution exceeds the \$1000 limitation on such committees.</u>	<u>AOR-1976-20</u>	<u>C</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

HISTORY:

The first report filed by this committee, the 10 day report preceding the general election, contained two loans aggregating \$5000 from Anthony Martin-Trigona - \$1000 on 10/1/76 and \$4000 on 10/13/76. These loans were forgiven on the termination report filed by this committee. This loan/contribution was made subsequent to AOR-1976-20 and therefore is a violation of that opinion and of 110.1(h).

7 2 0 1 0 1 1 9 4

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

RECEIVED  
 FEDERAL ELECTION  
 COMMISSION

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

1(a) Name of Candidate or Committee (in full)  Check if name or address is changed  
**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

2 Identification Number  
~~000065920~~ **C99000085**

(b) Address (number and street)  
**ONE IBM PLAZA, SUITE 2910A**  
**Chicago, Illinois 60611**

3(a) Is this a report of receipts and expenditures for only one election?  Yes  No  
 (b) If "Yes," for which election?  
**General** on **Nov 2, 197**  
(general, primary, runoff) (date)

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

(a)  Amendment For \_\_\_\_\_ (Which report) (e)  July 10 Quarterly Report  
 (b)  April 10 Quarterly Report (d)  October 10 Quarterly Report  
 (h)  Tenth day report preceding **General** election on **Nov 2** in the State of **Illinois**  
(primary, general or convention) (date)  
 (i)  Thirtieth day report following \_\_\_\_\_ election on \_\_\_\_\_ in the State of \_\_\_\_\_  
(primary, general or convention) (date)

(g)  January 31 Year End Report  
 (f)  Monthly Report \_\_\_\_\_ (Month)  
 (g)  Termination Report

**Candidate or Committee Summary of Receipts and Expenditures**

5 Covering Period: From \_\_\_\_\_ Through \_\_\_\_\_

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19 _____		\$ None
7 Cash on hand at beginning of reporting period	\$ None	
8 Total receipts (from line 19)	\$ 5000.00	\$ 5000.00
(a) Subtotal (Add lines 7 and 8)	\$ 5000.00	\$ 5000.00
9 Total expenditures (From line 25)	\$ 1248.80	\$ 1248.80
10 Cash on hand at close of reporting period (Subtract line 9 from line 8)	\$ 3751.20	\$ 3751.20
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.

**JOEL D. JOSEPH** (Typed Name of Treasurer or Candidate) *Joel D. Joseph* (Signature of Treasurer of Candidate) **10-20-76** (Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 437j or § 441; (See reverse side of form)

*Joseph* ✓

# Detailed Summary Schedule of Receipts and Expenditures

## (Page 2)

7060303025

Name of Candidate or Committee	REPORT COVERING THE PERIOD	
	FROM:	TO:
PART I - RECEIPTS		
	Column A This Period	Column B Calendar year-to-date
<b>15 Contributions and other Income:</b>		
(a) Itemized (use Schedule A) .....	\$ .....	
(b) Unitemized .....	\$ .....	
<b>(c) Sales and Collections Included Above:</b>		
List by event on memo Schedule D (\$ _____)		
(d) Subtotal of contributions and other income .....	\$ .....	\$ .....
<b>16 Loans and Loan Repayments Received:</b>		
(a) Itemized (use Schedule A) .....	\$ ..... 5000.00	
(b) Unitemized .....	\$ .....	
(c) Subtotal of loans and loan repayments received .....	\$ ..... 5000.00	\$ ..... 5000.00
<b>17 Refunds, Rebates, Returns Received:</b>		
(a) Itemized (use Schedule A) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of refunds, rebates, returns .....	\$ .....	\$ .....
<b>18 Transfers In:</b>		
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount) .....	\$ .....	
(b) From other Committees (Itemize on Schedule A Regardless of Amount) .....	\$ .....	
(c) Subtotal of transfers in .....	\$ .....	\$ .....
<b>19 Total Receipts</b> .....	<b>\$ ..... 5000.00</b>	<b>\$ ..... 5000.00</b>
<b>PART II - EXPENDITURES</b>		
<b>20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):</b>		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ ..... 121.80	
(c) Subtotal of operating expenditures .....	\$ ..... 121.80	\$ ..... 121.80
<b>21 Independent Expenditures (use Schedule E)</b> .....	<b>\$ ..... 1127.00</b>	<b>\$ ..... 1127.00</b>
<b>22 Loans, Loan Repayments, and Contribution Refunds Made:</b>		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of loans and loan repayments made and contribution refunds .....	\$ .....	\$ .....
<b>23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting Expenditures:</b>		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of fundraising expenditures .....	\$ .....	\$ .....
<b>24 Transfers Out:</b>		
(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 .....	\$ .....	\$ .....
<b>25 Total Expenditures</b> .....	<b>\$ ..... 1248.80</b>	<b>\$ ..... 1248.80</b>
<b>PART III - DEBTS AND OBLIGATIONS</b>		
<b>26 Debts and obligations owed to the Committee (Itemize all on Schedule C)</b> .....	\$ .....	
<b>27 Debts and obligations owed by the Committee (Itemize all on Schedule C)</b> .....	\$ ..... 5000.00	
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>		
<b>28 Total Receipts (from line 19)</b> .....	<b>\$ ..... 5000.00</b>	
<b>29 Transfers In (from line 18(a))</b> .....	\$ .....	
<b>30 Net Receipts (Subtract line 29 from line 28)</b> .....	<b>\$ ..... 5000.00</b>	
<b>31 Total Expenditures (from line 25)</b> .....	<b>\$ ..... 1248.80</b>	
<b>32 Transfers out (from line 24(a))</b> .....	\$ .....	
<b>33 Net Expenditures (Subtract line 32 from line 31)</b> .....	<b>\$ ..... 1248.80</b>	

Schedule A  
 1976  
 Federal Election Commission  
 25 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 1 for  
 LINE NUMBER 16  
 (Use separate schedule(s) for each  
 numbered line)

Name of Candidate or Committee in full

**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

Full Name, mailing address and ZIP code <b>ANTHONY R. MARTIN-TRIGONA One IBM plaza, Suite 2910A Chicago, Illinois 60611</b>		Date (month, day, year) <b>10-1-76</b>	Amount of each receipt this period <b>\$1000.00</b>
Principal place of business <b>Same as above</b>	Occupation <b>self-employed</b>	<b>10-13-76</b>	<b>\$4000.00</b>
<input checked="" type="checkbox"/> Check if Contributor is self-employed			
Aggregate Year-to-date . . . . . ▶ <b>\$ 5000.00</b>			

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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) . . . . . ▶ **\$ 5,000.00**

79004130309726

Itemized Independent Expenditures  
for Line 21 F.E.C. Form 3

(See reverse side for instructions)

Name of Candidate or Committee in full <b>ILLINOIS CONSUMERS FOR CARTER/MONDALE</b>	Id. No. <b>c00065920</b>
Full Name, mailing address and ZIP code <b>ONE IBM Plaza, Suite 2910A, Chicago, Illinois 60611</b>	Is This a Separate Report by a Committee Filing on FEC Form 3A? <b>NO</b>

Itemize expenditures which exceed, in the aggregate, \$100 within a calendar year

Full Name, mailing address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
WICA MIDWEST TELEVISION Champaign, Illinois 61820	TV time and production	Oct. 14, 1976	\$1127.00	James Carter Walter Mondale

(a) Subtotal of Itemized Independent Expenditures .....	\$ 1127.00
(b) Subtotal of Unitemized Independent Expenditures .....	\$ _____
(c) Total Independent Expenditures .....	\$ 1127.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this 21 day of October 19 76  
*Harold M. Elery*  
 My Commission Expires 5/31/81  
 NOTARY PUBLIC

*Joseph P. Joseph* 10-21-76  
 Signature Date

76693894774637



ANTHONY R. MARTIN-TRIGONA

FEDERAL ELECTION COMMISSION  
PIC TOWER, SUITE 22P  
641 FIFTH AVENUE  
NEW YORK, NEW YORK 10022  
(212) 638-1498

77 SEP 6 AM 9:36

ONE IBM PLAZA, SUITE 2910A  
CHICAGO, ILLINOIS 60611  
(312) 467-8780

September 1, 1977

PLEASE REPLY TO One IBM Plaza

Ms. Sharon L. Snyder  
Branch Chief, Disclosure Section  
Federal Election Commission  
Washington, D.C. 20463

Re: Illinois Consumers for Carter/Mondale

Dear Ms. Snyder:

Thank you for your letter of August 22nd to which this is a response.

Other than winding up the affairs of the Committee (which was done largely in 1976) there was no activity in 1977.

I received a check for the bank balance in the account of \$51.19 dated March 7th, to close out the bank account.

The balance of my loan to the committee was forgiven. In view of the fact that the debt was owed to an officer of the committee, I believe all relevant information would already be in file. Except for the \$51.19 return on the loan, the entire amount was forgiven.

Thank you for your help in terminating the committee filing status.

With all best wishes,

  
ANTHONY ROBERT MARTIN-TRIGONA

ARMT:sp

7094011199

# Delaware Volunteers For Reagan

18

AD: 37 15 May 1976

Federal Election Commission  
1325 K. Street  
Washington, D.C. 20463  
Attn: Mr. David Spiegel

S/C # 610  
AOR 1976-20

Betty Arnold  
Chairman

Charles Brechner  
Treasurer

William Felty

Judy Blankinship

Dear Mr. Spiegel,

With reference to our telephone conversation May 13, it is my understanding that under one legal interpretation of the provisions of the Federal Campaign Financing Act of 1971, as amended (including the most recent amendment signed by the President 11 May 1976) a \$5,000 limitation applies to cumulative contributions by individuals or other committees that are made by them to an unauthorized political committee. This limitation applies separately to the nomination and election process at \$5,000 each. In addition, the overall limitation of \$25,000 for total political contributions would be applicable.

I have been advised that there is another interpretation of the Federal Campaign Financing Act by respectable legal opinion which holds that contributions to an unauthorized political committee are to be treated the same as independent expenditures. Under this interpretation, no limitations whatever would apply, neither the specific \$5,000 limitation nor the overall \$25,000 limitation.

Under either legal theory no limitation applies to expenditures by an unauthorized political committee. (Buckley v. Valeo).

As the Treasurer of an unauthorized political committee, I need your written ruling on this matter as a matter of urgency. I also request that you supply me with a copy of the law signed 11 May 1976.

Please advise urgently.

Sincerely, /

*Charles H. Brechner*  
CHARLES H. BRECHNER

113 Columbia Avenue, Rehoboth Beach, Del. 19971 • Phone 302/227-6364

Delaware Volunteers for Reagan is a political committee as defined in 2 USC 431(d). The Committee has not been authorized by Ronald Reagan and the candidate is not responsible for the Committee's activities. A copy of our report is filed with the Federal Election Commission and is available to the public from the Federal Election Commission, Washington, D.C.

7904011200



FEDERAL ELECTION COMMISSION

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

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§441a(a)(1)(C) and (a)(2)(C) persons <sup>1/</sup>

<sup>1/</sup> "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.



multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act Governor Reagan may contribute any amount to Delaware volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to

a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

7 3 0 4 0 1 1 2 0 3

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the

symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

<sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

<sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

7 9 0 3 0 1 1 2 0 1

+110.1h

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

7 9 0 4 0 1 1 2 0 5



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 658

Date Filmed 3/16/79 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

1125 K STREET NW  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 658

Date Filmed 4/25/79 Camera No. --- 2

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



POSTAGE PAID  
FEB 26 1977  
F U C / 6  
80

~~Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457~~

POSTAGE AND FEES PAID



CLAIM CHECK NO.

MAIL

DATE  
2/26/77

3/3/77

3-13-77

CLAIMED

438023

POSTAGE WILL BE PAID BY ADDRESSEE

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*INCLUD 658 - Resin*

PS Form 3811, Apr 1964  
RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

1 The following service is requested - check one:  
Show to whom and date delivered \_\_\_\_\_ C  
✓ Show to whom, date, and address of delivery \_\_\_\_\_ C  
RESTRICTED DELIVERY  
Show to whom and date delivered \_\_\_\_\_ C  
RESTRICTED DELIVERY  
Show to whom, date, and address of delivery \_\_\_\_\_ 5  
CONSULT POSTMASTER FOR FEES

2 ARTICLE ADDRESSED TO  
*Anthony Martin Tigna*

3 ARTICLE DESCRIPTION  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
*438023*

[Always obtain signature of addressee or agent]

I have received this article in accordance with the above conditions.  
SIGNATURE \_\_\_\_\_ Assumption \_\_\_\_\_ Authorized agent \_\_\_\_\_

4 DATE OF DELIVERY \_\_\_\_\_ POSTMARK \_\_\_\_\_

5 ADDRESS \_\_\_\_\_  
*14*  
*1979*

6 UNABLE TO DELIVER (SEE A-1)  
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CLERK'S INITIALS  
*ADD*



FEDERAL ELECTION COMMISSION

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

February 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

Dear Mr. Martin-Trigona:

On February 14, 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

7904011471

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 658  
Illinois Consumers for )  
Carter/Mondale, and )  
Anthony R. Martin-Trigona )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 14, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated February 8, 1979, regarding the above-captioned matter:

1. Take no further action in MUR 658.
2. Close the file.
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners Aikens, McGarry, Thomson, and Harris. Commissioner Springer abstains in this matter.

Attest:

2/14/79  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 2-9-79, 12:34, Friday  
Circulated on 48 hour vote basis: 2-12-79, 10:30, Monday

19940114776

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
SECRETARY

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658  
Carter/Mondale, and )  
Anthony R. Martin-Trigona )

79 FEB 9 12:34

GENERAL COUNSEL'S REPORT

Background

On January 18, 1979, the Office of the General Counsel withdrew its report to the Commission that recommended, (1) find "probable cause to believe" that Illinois Consumers for Carter/Mondale, (the "Committee"), and Anthony R. Martin-Trigona violated 2 U.S.C. §441a; and (2) authorize the filing of a civil suit against the respondents. The alleged violation concerned a \$5,000 contribution in the form of a loan by Martin-Trigona to the Committee which exceeded the \$1,000 contribution limitation imposed by 2 U.S.C. §441a(a)(1)(A). The \$1,000 limitation was applied to the Committee because it functioned as an unauthorized single candidate committee although it registered with the Commission as a multicandidate committee, and because AOR 1976-20 applied the \$1,000 limitation to unauthorized single candidate committees.

Analysis

Although there was a violation of the Act in this matter, there are two considerations which point out that it is technical in nature and should not be pursued.

79040114771

1. The Commission, in an analogous fact situation, (MUR 375(77)), found no violation because of the lack of widespread publication of the Commission's decision to impose the \$1,000 contribution limitation (2 U.S.C. §441a(a)(1)(A)) on unauthorized single candidate committees. The contributions in MUR 375(77) and in this matter were made in the fall of 1976, and therefore, the reasoning used in MUR 375(77) should also be applied in this situation.

While the two cases are analogous, they appear to be distinguishable. Martin-Trigona was both the contributor and the chairman of the committee receiving the \$5,000 loan. In other words, Martin-Trigona should have been aware that his \$5,000 contribution was only going to be spent on the behalf of a single candidate, Carter/Mondale, whereas the contributors in MUR 375(77) may not have been so knowledgeable. This distinction notwithstanding, the Commission in prosecuting the case would have the added burden of explaining the apparent contradictory standards applied in MURs 375 and 658.

2. More important is the fact that if the Commission prosecutes this case, it will in effect be going to court for the sake of principle. Other than the \$5,000 received from Martin-Trigona, the Committee's only other major contribution was a \$1,000 loan that it repaid a month later. All committee expenditures were independently made on behalf of Carter/Mondale from money almost entirely contributed by Martin-Trigona. Martin-Trigona could have made the same independent expenditures without committing a violation if he had spent the money himself without setting up the committee.

Therefore, the failure to comply with AOR 1976-20 in this case would not have any major consequences. If the Committee had

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received other contributions of substantial amounts, then an argument could be made that the rationale set forth in AOR 1976-20 should be applied vigorously, since the aggregate of such contributions spent by a committee as an independent expenditure can affect an election much more than if these contributions are expended individually and independently. Since this situation did not occur, however, this does not appear to be a case warranting further Commission action. The Commission has, through its RCTB finding, established the principle that the activity at issue is in violation of the Act.

Therefore, in light of the Commission's action in the analogous fact situation of MUR 375(77) and because neither Martin-Trigona or the Committee derived any benefit from the violation, the Office of the General Counsel recommends that no further action be taken in this matter, and that the file be closed.

Recommendation

1. Take no further action in MUR 658.
2. Close the file.
3. Send the attached letters.

2/8/79

Date



William C. Oldaker  
General Counsel

Attachments

- Letter to Joel Joseph
- Letter to Anthony R. Martin-Trigon

79040114775





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Joel Joseph  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

RE: MUR 658

Dear Mr. Joseph:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report



790401177



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

Dear Mr. Martin-Trigona:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

7904011477



FEDERAL ELECTION COMMISSION

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

February 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

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Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

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79040111770



FEDERAL ELECTION COMMISSION

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

February 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Joel Joseph  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

RE: MUR 658

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Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report



79040111780

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*1 MURKINS - Res*

POSTMASTER: RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one):  
 Show to whom and date delivered. *c*  
 Show to whom, date, and address of delivery. *FFG*  
 RESTRICTED DELIVERY  
 Show to whom and date delivered. *c*  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery. *s*  
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO  
*Jack Joseph*

3. ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
*438027*

(Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE *[Signature]* Addressee  Authorized agent

DATE OF DELIVERY *2/26/79* POSTMARK

ADDRESS Complete and if requested  
*117.2 EYE ST NW  
 WASH DC 20006 #1010*

UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

☆GPO 1977 - 0 - 249 595

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 658
Illinois Consumers for	)	
Carter/Mondale, and	)	
Anthony R. Martin-Trigona	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 14, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated February 8, 1979, regarding the above-captioned matter:

1. Take no further action in MUR 658.
2. Close the file.
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners Aikens, McGarry, Thomson, and Harris. Commissioner Springer abstains in this matter.

Attest:

*2/14/79*

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 2-9-79, 12:34, Friday  
Circulated on 48 hour vote basis: 2-12-79, 10:30, Monday

~~7904011478~~  
 7904011478

February 9, 1979

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached General Counsel's Report on MUR 658 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040111091  
79040114783

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

79 FEB 9 12: 34

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658  
Carter/Mondale, and )  
Anthony R. Martin-Trigona )

GENERAL COUNSEL'S REPORT

Background

On January 18, 1979, the Office of the General Counsel withdrew its report to the Commission that recommended, (1) find "probable cause to believe" that Illinois Consumers for Carter/Mondale, (the "Committee"), and Anthony R. Martin-Trigona violated 2 U.S.C. §441a; and (2) authorize the filing of a civil suit against the respondents. The alleged violation concerned a \$5,000 contribution in the form of a loan by Martin-Trigona to the Committee which exceeded the \$1,000 contribution limitation imposed by 2 U.S.C. §441a(a)(1)(A). The \$1,000 limitation was applied to the Committee because it functioned as an unauthorized single candidate committee although it registered with the Commission as a multicandidate committee, and because AOR 1976-20 applied the \$1,000 limitation to unauthorized single candidate committees.

Analysis

Although there was a violation of the Act in this matter, there are two considerations which point out that it is technical in nature and should not be pursued.

7904011092  
7901011731



1. The Commission, in an analogous fact situation, (MUR 375(77)), found no violation because of the lack of widespread publication of the Commission's decision to impose the \$1,000 contribution limitation (2 U.S.C. §441a(a)(1)(A)) on unauthorized single candidate committees. The contributions in MUR 375(77) and in this matter were made in the fall of 1976, and therefore, the reasoning used in MUR 375(77) should also be applied in this situation.

While the two cases are analogous, they appear to be distinguishable. Martin-Trigona was both the contributor and the chairman of the committee receiving the \$5,000 loan. In other words, Martin-Trigona should have been aware that his \$5,000 contribution was only going to be spent on the behalf of a single candidate, Carter/Mondale, whereas the contributors in MUR 375(77) may not have been so knowledgeable. This distinction notwithstanding, the Commission in prosecuting the case would have the added burden of explaining the apparent contradictory standards applied in MURs 375 and 658.

2. More important is the fact that if the Commission prosecutes this case, it will in effect be going to court for the sake of principle. Other than the \$5,000 received from Martin-Trigona, the Committee's only other major contribution was a \$1,000 loan that it repaid a month later. All committee expenditures were independently made on behalf of Carter/Mondale from money almost entirely contributed by Martin-Trigona. Martin-Trigona could have made the same independent expenditures without committing a violation if he had spent the money himself without setting up the committee.

Therefore, the failure to comply with AOR 1976-20 in this case would not have any major consequences. If the Committee had

7-9-76  
100101178

received other contributions of substantial amounts, then an argument could be made that the rationale set forth in AOR 1976-20 should be applied vigorously, since the aggregate of such contributions spent by a committee as an independent expenditure can affect an election much more than if these contributions are expended individually and independently. Since this situation did not occur, however, this does not appear to be a case warranting further Commission action. The Commission has, through its RCTB finding, established the principle that the activity at issue is in violation of the Act.

Therefore, in light of the Commission's action in the analogous fact situation of MUR 375(77) and because neither Martin-Trigona or the Committee derived any benefit from the violation, the Office of the General Counsel recommends that no further action be taken in this matter, and that the file be closed.

Recommendation

1. Take no further action in MUR 658.
2. Close the file.
3. Send the attached letters.

2/8/79

Date



William C. Oldaker  
General Counsel

Attachments

- Letter to Joel Joseph
- Letter to Anthony R. Martin-Trigon

79010114785



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Joel Joseph  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

RE: MUR 658

Dear Mr. Joseph:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middleton, CT 06457

RE: MUR 658

Dear Mr. Martin-Trigona:

On February , 1979, the Commission voted to close the file in MUR 658. A copy of the Commission's determination and the General Counsel's Report is enclosed for your information.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Commission's certification  
General Counsel's Report

79040111095  
79010111783

BEFORE THE FEDERAL ELECTION COMMISSION  
December 12, 1978

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658 (78)  
Carter-Mondale )  
Anthony Martin-Trigona )

GENERAL COUNSEL'S REPORT

Allegation

7901011097  
7904011473  
The Commission has previously found reasonable cause to believe that Mr. Anthony Martin-Trigona violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and has found reasonable cause to believe that the Committee violated 2 U.S.C. §441a for accepting and retaining those funds.

Background

7904011473  
The Committee responded to the Commission's reasonable cause to believe notification on September 15, 1978. On October 20, 1978, the Office of General Counsel responded to the Committee's letter by restating our position in this matter and notifying the Committee to contact us if they wished to continue negotiations in this matter. The Committee has not responded.

Mr. Martin-Trigona was notified of the Commission's reasonable cause to believe finding on November 3, 1978; the notification was returned "unclaimed."

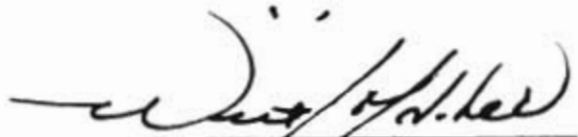
This office has been unable to negotiate a settlement with the respondents in this case. Accordingly, we recommend to the Commission that probable cause be found against the respondents and civil suit be filed.

Recommendation

Find probable cause to believe that the Illinois Consumers for Carter-Mondale and Anthony Martin-Trigona have violated 2 U.S.C. §441a, and authorize the filing of a civil action.

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79010114791

1/12/79  
Date

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel

FEDERAL ELECTION COMMISSION  
WASHINGTON 205463

CLAIM CHECK NO.

753353

MAIL

DATE  
1/33/79

BY MAIL  
3/10/79

RECEIVED  
3/10/79  
DIRECTOR  
PS Form 3800-A  
JULY 1978

RESULTS OF THE  
ELECTION

Mr. Anthony T. Martin-Trigona  
P.O. Box 11204  
Chicago, IL 60611

POSTAGE AND FEES PAID



FIEC

943597

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*June 658 - Asia*

SENDER Complete items 1, 2, and 3 Add your address in the RETURN TO space on reverse	
1. The following service is requested (check one) <input checked="" type="checkbox"/> Show to whom and date delivered <b>C</b> <input type="checkbox"/> Show to whom, date, and address of delivery <b>C</b> <b>RESTRICTED DELIVERY</b> <input type="checkbox"/> Show to whom and date delivered <b>C</b> <b>RESTRICTED DELIVERY</b> <input type="checkbox"/> Show to whom, date, and address of delivery <b>S</b> (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO <i>Anthony L. Nantz Jr.</i>	
3. ARTICLE DESCRIPTION REGISTERED NO. CERTIFIED NO. INSURED NO. <i>94357</i>	
Always obtain signature of addressee or agent: SIGNATURE: _____ ADDRESS: _____ AUTHORIZED AGENT: _____	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESS (Include zip code, if applicable)	
6. UNABLE TO DELIVER BECAUSE	CLERK'S INITIALS

PS 7 pm 3811 Apr 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

U.S. POST OFFICE

111





FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
P.O. Box 11204  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement





FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

On November 2, 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

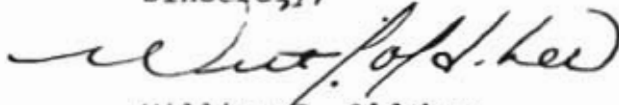
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

7904011794

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

20040114795

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. 5441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona having duly entered into conciliation pursuant to 5427g(a)(3), do hereby agree as follows:

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

II. That respondent 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

7904011479

C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(A).

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

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

79040114700

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



POSTAGE AND FEES PAID



CLAIM CHECK NO.

753374

HOLD

DATE

1-26-79

FOR NOTICE

3/10/79

AND NOTICE

RETURN

3/26/79

REASON CHECKED  
 BY MAIL  RETURNED  
 ADDRESS  CHANGED  
 INSUFFICIENT ADDRESS   
 NO SUCH STREET   
 NO SUCH CITY   
 NO SUCH STATE   
 NO SUCH ZIP

Mr. Anthony R. Martin-Trigona  
 One I.B.M. Plaza, Suite 2910A  
 Chicago, IL 60611

*Lock Box*

*A to 2*

*943586*







FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
One I.B.M. Plaza, Suite 2910A  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement





FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

On November 2, 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

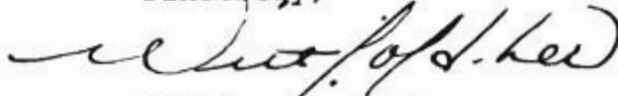
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

7901011480

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

7904011180

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

Conciliation Agreement

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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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. 544a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona having duly entered into conciliation pursuant to 5437g(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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

20040114800

and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

7901011480

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

POSTAGE AND FEES PAID



Mr. Anthony R. Martin-Trigona  
Olympic Tower, Suite 22P  
641 Fifth Avenue  
New York, NY 10022

N<sup>o</sup> 22

Refused  
2-1

943596

*Murk 658- Rein*

PS Form 3811 April 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO  
*Anthony R. Martin Tjara*

3. ARTICLE DESCRIPTION  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
*945596*

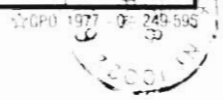
(Always obtain signature of addressee or agent)

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

DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only, if requested)

6. UNABLE TO DELIVER BECAUSE CLERKS INITIALS







FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
Olympic Tower, Suite 22P  
641 Fifth Avenue  
New York, NY 10022

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely, .

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement





FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

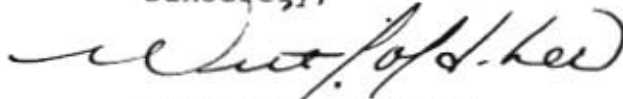
On November 2, 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

79040114811



C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$ 000 pursuant to 2 U.S.C. §437g(a)(6)(A).

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

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

7904011481

and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CLAIM CHECK NO.

357835

HOLD

DATE

1-9-79

1ST NOTICE

F 240 8

2ND NOTICE

2-2

RETURN

Detached from  
PS Form 3840-A  
July 1977

Unit  
Address  
Telephone  
No. of  
No. of  
Do not

Mr. Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, IL 60611

POSTAGE AND FEES PAID



CERTIFIED  
943600

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*Milk 65F - Return*

PS Form 3871, Apr 1977

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

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

2. The following service is requested (check one):

Show to whom and date delivered C

Show to whom, date, and address of delivery C

RESTRICTED DELIVERY C

Show to whom and date delivered C

RESTRICTED DELIVERY C

Show to whom, date, and address of delivery C

CONSULT POSTMASTER FOR FEES!

2. ARTICLE ADDRESSED TO

*Anthony R. Martin-Tyger*

3. ARTICLE DESCRIPTION

REGISTERED NO. CERTIFIED NO. INSURED NO.

*945600*

(Always obtain signature of addressee or agent)

4. I have examined the article described above.

SIGNATURE                      Addressee                      Authorized agent

5. DATE OF DELIVERY                      POSTMARK

6. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE                      CLERK'S INITIALS





FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement





FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

On November 2, 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

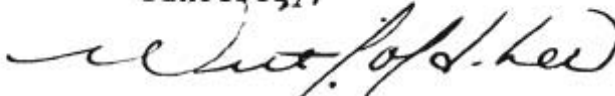
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

7 9 0 4 0 1 1 8 1 1

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

79040114812

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. 5451a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona having duly entered into conciliation pursuant to 2437g(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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

790401148

C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(A).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

79040114821

and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

79040114822



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
c/o Lucien Marcoux  
724 Ridge Road  
Middletown, CT 06457

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Concili



*MUR 658-1-enc*

SENDER Complete items 1, 2, and 3. Add your address in the reverse.		RETURN TO space on reverse	
1. The following service is requested (check one):			
<input type="checkbox"/>	Show to whom and date delivered	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Show to whom, date, and address of delivery	<input type="checkbox"/>	
<input type="checkbox"/>	RESTRICTED DELIVERY	<input type="checkbox"/>	
<input type="checkbox"/>	Show to whom and date delivered	<input type="checkbox"/>	
<input type="checkbox"/>	RESTRICTED DELIVERY	<input type="checkbox"/>	
<input type="checkbox"/>	Show to whom, date, and address of delivery \$	<input type="checkbox"/>	
(CONSULT POSTMASTER FOR FEES)			
2. ARTICLE ADDRESSED TO <i>Anthony R. Martin-Trigona</i>			
3. ARTICLE DESCRIPTION	CERTIFIED NO.	INSURED NO.	
	<i>93387</i>		
(Always obtain signature of addressee or agent)			
I have received the article described above.			
SIGNATURE	<input type="checkbox"/> Addressee	<input type="checkbox"/> Authorized agent	
<i>Anthony R. Martin-Trigona</i>			
DATE OF DELIVERY			
5. ADDRESS (Complete only if requested)			POSTMARK
<i>Middletown Post Office</i>			<i>JAN 18 1979</i>
6. UNABLE TO DELIVER BECAUSE			CLERK'S INITIALS

7904011100  
79040111482



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
658 Ridge Road  
Middletown, CT 06457

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliat



*Handwritten:* Murk 658 - Return

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

1. The following service is requested (check one).  
 Show to whom and date delivered  
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 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:  
*Anthony R. Martin-Trigona*

3. ARTICLE DESCRIPTION:  
REGISTERED NO. *905889* CERTIFIED NO. \_\_\_\_\_ INSURED NO. \_\_\_\_\_

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE  Addressee  Authorized agent  
*Anthony R. Martin-Trigona*  
*General Counsel*

4. DATE OF DELIVERY  
 POSTMARK *JAN 19 1979*

5. ADDRESS (Complete only if requested)  
*Middletown Post Office*

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO 1977-0-249-586





FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
P.O. Box 1111  
Middletown, CT 06457

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

Letter  
Concil



*MUR 658 - R*

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

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  
*Anthony R. Martin-Trigona*

3 ARTICLE DESCRIPTION REGISTERED NO *92888* CERTIFIED NO INSURED NO

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE  Addressee  Authorized agent  
*Anthony R. Martin-Trigona*  
*Successor-in-Interest*

4 DATE OF DELIVERY POSTMARK  
 JAN 18 1979  
 RICHLAND, VT

5 ADDRESS: Complete only if requested  
*Middletown Post Office*

6 UNABLE TO DELIVER BECAUSE:  
 CLERK'S INITIALS

☆GPO 1977-0-249-565

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FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
One I.B.M. Plaza, Suite 2910A  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Kinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



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79010118



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



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79010118



FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
P.O. Box 11204  
Chicago, IL 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a)(5)(A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement





FEDERAL ELECTION COMMISSION

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

January 16, 1979

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Anthony R. Martin-Trigona  
Olympic Tower, Suite 22P  
641 Fifth Avenue  
New York, NY 10022

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

Enclosed please find a letter and conciliation agreement which this office previously attempted to mail to you, but which were returned unclaimed. The Commission is again sending you this material in order that you may participate in the conciliation procedure pursuant to 2 U.S.C. §437g(a) (5) (A).

If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely, .

William C. Oldaker  
General Counsel

Enclosures

Letter  
Conciliation Agreement



7904011105  
7901011105



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
DATE: DECEMBER 7, 1978  
SUBJECT: MUR 658 - Interim Conciliation Report dated  
12-4-78; Received in OCS: 12-4-78,  
5:20

The above-named document was circulated on a 24 hour no-objection basis at 12:00, December 5, 1978.

Your office was notified at 3:30, December 6, 1978, that no objections had been received.

For the record, Commissioner Springer abstained in this matter via his cover sheet received in the Office of Commission Secretary at 10:27, December 7, 1978.

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FEDERAL ELECTION COMMISSION

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

7904011107  
7904011485

MEMORANDUM TO CHARLES STEELE *MWE*  
FROM: MARJORIE W. EMMONS  
DATE: DECEMBER 6, 1978  
SUBJECT: MUR 658 (79) - Interim Conciliation  
Report dated 12-4-78  
Received in OCS: 12-4-78,  
5:20

The above-named document was circulated on a 24  
hour no-objection basis at 12:00, December 5, 1978.

The Commission Secretary's Office has received  
no objections to the Interim Conciliation Report as of  
1:00 this date.

December 4, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached Interim Concil Report on  
MUR 658 distributed to the Commission.

Thank you.

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79040114832



BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE  
SECRETARY

78 DEC 4 P 5: 20

In the Matter of	)	
	)	
Illinois Consumers for	)	MUR 658 (78)
Carter-Mondale	)	
Anthony Martin-Trigona	)	

Interim Conciliation Report

The facts of this case are detailed in the General Counsel's Report presented to the Commission on August 30, 1978.

The Commission has found reasonable cause to believe that Mr. Anthony Martin-Trigona has violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and has found reasonable cause to believe that the Committee has violated 2 U.S.C. §441a for accepting and retaining those funds.

The Committee responded to the Commission's reasonable cause to believe notification on September 15, 1978. On October 20, 1978, the Office of General Counsel responded to the Committee's letter by restating our position in this matter and notifying the Committee to contact us if they wished to continue negotiations in this matter. As of this writing, the Committee has not responded.

Mr. Martin-Trigona was notified of the Commission's reasonable cause to believe finding on November 3, 1978. As of this date, we have not received notification from the post office as to whether the respondent has received that notification.<sup>1/</sup>

<sup>1/</sup> Two attempts have been made by the United States Marshall's Office to serve Mr. Martin-Trigona in connection with the case brought by the Commission: FEC v. Illinois Democratic Campaign Committee and Anthony Martin-Trigona, CA78C3238. Both attempts have been unsuccessful. For this reason, we feel that we should wait at least 30 days from the date of mailing the notification to make a recommendation to the Commission.

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79010114831

This office will make a recommendation to the Commission in connection with both respondents as soon as Mr. Martin-Trigona's 30 day conciliation period expires in the first week of December.

12/4/78

Date



William C. Oldaker  
General Counsel

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FEDERAL ELECTION COMMISSION

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

8 December 1978

MEMORANDUM

TO: Jane  
FROM: Suzanne *SMC*  
SUBJECT: MUR 658 (78)

Please file the returned letter addressed to Anthony Martin-Trigona postmarked Chicago, IL, November 29, 1978.

At this time, we have no plan to re-send the letter.

7 2 0 4 0 1 1 4 8 3 1

*Mick 658 - Ca. 1977*

PS Form 3811 Apr 1977

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

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

1. The following service is requested, check one:

Show to whom and date delivered C

Show to whom, date, and address of delivery C

RESTRICTED DELIVERY C  
 Show to whom and date delivered

RESTRICTED DELIVERY C  
 Show to whom, date, and address of delivery \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Anthony R. Martin - Trigon*  
*219 East Lakeshore Drive*  
*Chicago, Ill. 60611*

3. ARTICLE DESCRIPTION

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>44567</i>	

(Always obtain signature of addressee or agent)

I have received the article described above

SIGNATURE  Addressee  Authorized agent

4. DATE OF DELIVERY	POSTMARK

5. ADDRESS (Complete only if requested):

6. UNABLE TO DELIVER BECAUSE:	CLERK'S INITIALS

FEDERAL ELECTION COMMISSION

1325 K STREET  
WASHINGTON

CLAIM CHECK

3-27-78

HOLD

DATE

11-11-78

1ST NOTICE

11-14 50

2ND NOTICE

11-24

RETURN

Detached from  
PS Form 3849-A  
July 1977



POSTAGE AND FEES PAID



Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

CERTIFIED

943969



FEDERAL ELECTION COMMISSION

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

November 3, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

On November 2, 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

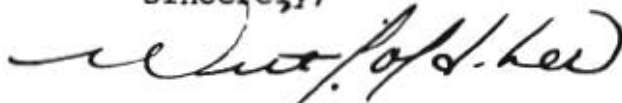
The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

7 0 7 1 0 1 1 8 1 1

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,



William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

79040114837

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

79040114817



C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

7 9 0 4 0 1 1 4 8 1 1

and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

79040114843

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 658 (78)  
Illinois Consumers for )  
Carter-Mondale )  
Anthony Martin-Trigona )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 2, 1978, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated October 27, 1978, regarding the above-captioned matter:

1. Find reasonable cause to believe that Mr. Anthony Martin-Trigona has violated 2 U.S.C. §441a.
2. Send the notification letter and conciliation agreement to the respondent (Attachment III to the above-named report).

Voting in the affirmative were Commissioners Aikens, Tiernan, McGarry, Thomson, and Harris. Commissioner Springer abstained in this matter.

11-3-78

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 10-30-78, 1:22  
Circulated on 48 hour vote basis: 10-31-78, 4:00

79040114841

October 30, 1978

MEMORANDUM TO: Marge Hanson  
FROM: Elissa T. Carr  
SUBJECT: MUR 658

Please have the attached General Counsel's Report on MUR 658 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040114841

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

78 OCT 30 P 1: 22

In the Matter of )  
 )  
Illinois Consumers for ) MUR 658 (78)  
Carter-Mondale )  
Anthony Martin-Trigona )

GENERAL COUNSEL'S REPORT

Background

7 9 0 4 0 1 1 4 8 1 ;  
The facts of this case are detailed in the General Counsel's Report presented to the Commission on August 30, 1978. On that date, the Commission found reason to believe that Mr. Anthony Martin-Trigona may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and found reasonable cause to believe that the Committee has violated §441a for accepting and retaining those funds.

The Committee responded to the Commission's notification on September 15, 1978 (Attachment I); Mr. Martin-Trigona responded on October 14, 1978 (Attachment II).

The facts submitted by the respondents do not alter our analysis of this matter.

Recommendation

Find reasonable cause to believe that Mr. Anthony Martin-Trigona has violated 2 U.S.C. §441a and send the attached notification and conciliation agreement to respondent (Attachment III).

10/27/78  
Date

William C. Oldaker  
General Counsel

ATTACHMENTS

- I Letter from respondent committee dated September 15, 1978
- II Letter from respondent dated October 14, 1978
- III Notification letter and conciliation agreement to be sent to respondent.

79040114845

4955

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
(202) 338-8560  
(202) 338-8492

RECEIVED  
FEDERAL ELECTION  
COMMISSION

I

18 SEP 21 PM 5:15

September 15, 1978

William Oldaker  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

806365

Dear Bill,

RE: MUR 658

This letter is in response to your letter dated August 31, 1978. First of all, I have attempted to contact Suzanne Callahan at 523-4058 six times this week but no one answered the phone. Phones at a government agency should not ring unattended.

Secondly, I resigned as treasurer of Illinois Consumers for Carter/Mondale on May 5 1977 and submitted a copy of this resignation to the FEC. See attachment.

Since I am no longer an official of Illinois Consumers for Carter/Mondale I am writing only on my own behalf and not on behalf of the committee. You should write to the Committee in care of Mr. Martin-Trigona in Chicago, Illinois. I don't know if the Committee is still in existence.

The alleged violation that you are concerned with is not a violation at all. I explained this in a letter to Lan Potter on December 22, 1976. See attachment. Mr. Potter never responded to my letter and therefore I assumed that he was in agreement with my arguments.

Illinois Consumers for Carter/Mondale is not an authorized committee for any candidate. It therefore does not come under the \$1000 limitation of Section 441a(a)(1)(A) and of course does not come under (1)(B). Therefore it is "any other political" committee under (1)(C) and is subject to a \$5,000 limitation on contributions.

The contribution was not made to a federal candidate but was an independent contribution which was used to make independent expenditures.

If you want to discuss this further please call me.

Sincerely yours,  
*Joel D. Joseph*  
Joel D. Joseph

790401148

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

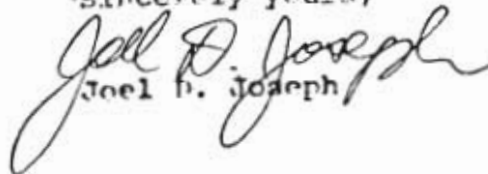
Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD01359S. Section 441a(a)(1)(C) clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

  
Joel D. Joseph

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JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006  
—  
(202) 338-8960  
(202) 338-5482

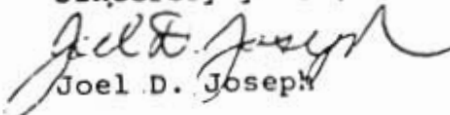
May 5, 1977

Anthony R. Martin-Trigona  
Chairman  
Illinois Consumers for Carter/Mondale  
ONE IBM Plaza  
Suite 2910A  
Chicago, Illinois 60611

Dear Tony,

I hereby resign as treasurer of Illinois Consumers for Carter/Mondale. You should get a new treasurer so that reports can be filed with the Federal Election Commission until the committee disbands.

Sincerely yours,

  
Joel D. Joseph

c.c. Federal Election Commission

7904011481

NY ROBERT MARTIN-TRIGONA

5209

II

October 14, 1978

78 OCT 19 11 50 AM SBox 41204  
CHICAGO, ILLINOIS 60611  
(312) 467-6760

Mr. William C. Oldaker  
General Counsel  
Federal Election Commission  
1325 K Street NW  
Washington, DC 20463

807023

Re: Your letter of August 31, 1978  
Illinois Consumers for Carter/Mondale

Dear Mr. Oldaker:

Your letter of August 31st reached me through a leak at the Commission, because it has never been delivered to me via the mails.

I find the statements in that letter absurd to say the least. I therefore ask that you drop your wild goose chase immediately. First, there were, and are, so far as I am aware no limitations on independent expenditures in support of any candidate for federal office.

Second, while the Illinois Consumers for Carter/Mondale may have registered as a single candidate committee, it functioned as a multi-candidate committee supporting all Illinois federal Democratic candidates through televised programs.

Third, at all stages of the committee's operation, we were in touch with the Commission staff to insure we were in compliance, since this was, as I am sure you are aware, a novel area of law.

Thus, I am not going to pay you any tribute or any other form of extortion money in return for your not harassing me. In addition, since you personally will be a defendant in a law suit I may bring against the agency for crackpot litigation and harassment, I ask that you disqualify yourself from any involvement in this matter.

Respectfully submitted,

ANTHONY R. MARTIN-TRIGONA

ARMT:sp

79040114831



FEDERAL ELECTION COMMISSION

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

III

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
219 East Lakeshore Drive  
Chicago, Ill. 60611

RE: MUR 658 (78)

Dear Mr. Martin-Trigona:

This is in response to your letter of October 14, 1978.

As you are aware, on August 30, 1978, the Commission found reason to believe that you may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee").

Commission records indicate that on September 24, 1976, the Committee registered with the Commission as a multicandidate committee; however, records indicate that all committee expenditures were made solely on behalf of Jimmy Carter and Walter Mondale, thereby making it a single candidate committee. We have received no evidence from you to indicate otherwise.

The Commission has determined that the contribution limitation contained in §441a(a)(1)(A) applies to unauthorized single candidate committees. See Re: AOR 1976-20 which is enclosed.

On October , 1978, the Commission found reasonable cause to believe that you have violated 2 U.S.C. §441a.

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement, this office is prepared to recommend to the Commission that civil suit be filed against you.

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-2-

Enclosed is a copy of the conciliation agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this agreement, please notify Suzanne Callahan at 202/523-4058 within five days after your receipt of this notification.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

790401148

C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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FEDERAL ELECTION COMMISSION

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

October 20, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Suite 1010  
1712 Eye Street, N.W.  
Washington, D.C. 20006

Re: MUR 658 (78)

Dear Mr. Joseph:

This is in response to your letter of September 15, 1978.

We are aware of the fact that you resigned as treasurer of the Illinois Consumers for Carter-Mondale on May 5, 1977. However, you held the position of treasurer at the time of the alleged violation and are therefore a respondent in this matter.

The Commission considered the argument contained in your letter to Orlando Potter dated December 22, 1976 prior to making its reasonable cause to believe determination.

The Commission has determined that the term "any other political committee" contained in 2 U.S.C. §441a(a)(1)(C) does not apply to unauthorized single candidate committees to which the Commission believes a \$1,000 contribution limit applies. See Re: AOR 1976-20.

If you wish to continue negotiations in this matter, please respond within five days. If you have any questions, contact Suzanne Callahan at 202/523-4058.

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

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Collection MUR 658

PS Form 3811 Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).  
 Show to whom and date delivered .....  
 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: Joseph Suite 1010 1712 Eye St N.W. DC 20006

3. ARTICLE DESCRIPTION REGISTERED NO. CERTIFIED NO. INSURED NO.  
943734

(Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE  Addressee  Authorized agent  
[Signature]

4. DATE OF DELIVERY POSTMARK

5. ADDRESS (Complete only if requested)  
1712 EYE ST. N.W.  
WASH. D.C. 20006 # 1010

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



FEDERAL ELECTION COMMISSION

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

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§441a(a)(1)(C) and (a)(2)(C) persons 1/

1/ "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.



and multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year to "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act to Governor Reagan may contribute any amount to Delaware Volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to

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a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the

symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

<sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

<sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

79040111116  
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This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

7904011117  
701101185



BOX 11204

CHICAGO, ILLINOIS 60611



Mr. William Oldaker  
Federal Election Commission  
1325 K St. NW  
Washington, DC 20463





FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE *MWE*  
FROM: MARJORIE W. EMMONS  
DATE: OCTOBER 3, 1978  
SUBJECT: MUR 658 (78) - Interim Conciliation  
Report dated 9-27-78  
Signed: 9-28-78; Received in  
OCS: 9-29-78, 12:24

The above-named document was circulated on a 24  
hour no-objection basis at 11:30, October 2, 1978.

The Commission Secretary's Office has received  
no objections to the Interim Conciliation Report at of  
12:00 this date.

7904011120  
79010114955

September 29, 1978

MEMORANDUM TO: Marge Emons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached Interim Conciliation  
Report distributed to the Commission.

Thank you.

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79040114866

RECEIVED  
OFFICE OF THE

MEMORANDUM FOR THE SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION  
September 27, 1978

78 SEP 29 P12: 24

In the Matter of	)	
	)	MUR 658 (78)
	)	
Anthony Martin-Trigona	)	
Illinois Consumers for Carter-Mondale	)	


INTERIM CONCILIATION REPORT

On August 30, 1978, the Commission found reason to believe that Mr. Anthony Martin-Trigona may have violated the contribution limitations set forth in 2 U.S.C. §441a by contributing in excess of \$1,000 to the Illinois Consumers for Carter-Mondale ("the Committee") and found reasonable cause to believe that the Committee has violated §441a for accepting and retaining those funds.

Mr. Martin-Trigona has not responded to the Commission's notification; the Committee responded on September 15, 1978.

We are currently negotiating with the Committee and will apprise the Commission accordingly.

9/28/78  
DATE

  
\_\_\_\_\_  
William C. Oldaker  
General Counsel

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79040111852

ACC# 4955

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006

RECEIVED  
FEDERAL ELECTION  
COMMISSION

(202) 338-8560  
(202) 338-8482

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September 15, 1978

William Oldaker  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463

806365

Dear Bill,

RE: MUR 658

This letter is in response to your letter dated August 31, 1978. First of all, I have attempted to contact Suzanne Callahan at 523-4058 six times this week but no one answered the phone. Phones at a government agency should not ring unattended.

Secondly, I resigned as treasurer of Illinois Consumers for Carter/Mondale on May 5 1977 and submitted a copy of this resignation to the FEC. See attachment.

Since I am no longer an official of Illinois Consumers for Carter/Mondale I am writing only on my own behalf and not on behalf of the committee. You should write to the Committee in care of Mr. Martin-Trigona in Chicago, Illinois. I don't know if the Committee is still in existence.

The alleged violation that you are concerned with is not a violation at all. I explained this in a letter to Lan Potter on December 22, 1976. See attachment. Mr. Potter never responded to my letter and therefore I assumed that he was in agreement with my arguments.

Illinois Consumers for Carter/Mondale is not an authorized committee for any candidate. It therefore does not come under the \$1000 limitation of Section 441a(a)(1)(A) and of course does not come under (1)(B). Therefore it is "any other political" committee under (1)(C) and is subject to a \$5,000 limitation on contributions.

The contribution was not made to a federal candidate but was an independent contribution which was used to make independent expenditures.

If you want to discuss this further please call me.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

7904011123  
79010114853

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006

(202) 338-8560  
(202) 338-5492

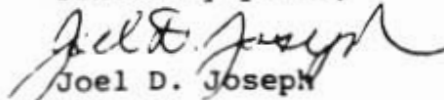
May 5, 1977

Anthony R. Martin-Trigona  
Chairman  
Illinois Consumers for Carter/Mondale  
ONE IBM Plaza  
Suite 2910A  
Chicago, Illinois 60611

Dear Tony,

I hereby resign as treasurer of Illinois Consumers for Carter/Mondale. You should get a new treasurer so that reports can be filed with the Federal Election Commission until the committee disbands.

Sincerely yours,

  
Joel D. Joseph

c.c. Federal Election Commission

7004011121  
7004011485



MOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N.W.  
WASHINGTON, D.C. 20006



William Oldaker  
General Counsel  
Federal Election Commission  
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

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

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
One IBM Plaza, Suite 2910A  
Chicago, Illinois 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 you loaned the Committee \$5,000; by letter dated September 1, 1977, you stated that you had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of a candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that you have exceeded your contribution limitations by \$4,000.

On August 30, 1978, the Commission determined that there is reason to believe you may have violated 2 U.S.C. §441a.

The Commission has a duty to correct such violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. §437g(a)(5)(A). We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return it to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely yours,

William C. Oldaker  
General Counsel

Enclosure

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7904011137



790401111??

7904011187

110058-C. Cuba

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

• If NDFE Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

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

2 ARTICLE ADDRESSED TO  
*[Handwritten signature]*

3 ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
*[Handwritten: 79006]*

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE      Addressee  Authorized agent

4 DATE OF DELIVERY      POSTMARK     

5 ADDRESS *[Handwritten: 79006]* (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE      CLERK'S INITIALS

BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

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79040114871

C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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FEDERAL ELECTION COMMISSION

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

August 31, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 Anthony Martin-Trigona loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

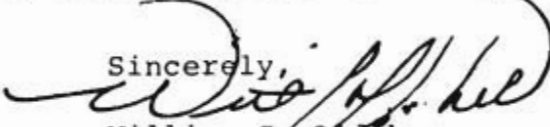
As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August 30, 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

  
William C. Gidaker  
General Counsel

Enclosure

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7904011877

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (The Committee) indicate that in October of 1976 Anthony Martin-Trigona loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker  
General Counsel

Enclosure

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79040114873

SM 9/20/78

BEFORE THE FEDERAL ELECTION COMMISSION

August 20, 1978

In the Matter of )

Illinois Consumers for Carter-Mondale, and )  
Joel Joseph, Treasurer )

MUR 658(78)

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, Illinois Consumers for Carter-Mondale violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Illinois Consumers for Carter-Mondale ("the Committee") and Joel Joseph having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

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

II. That respondents have 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. On September 24, 1976, the Committee registered with the Commission as a multicandidate committee.

B. The Committee, during its entire existence, acted as a single candidate committee supporting only the candidacy of

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James Carter/ Walter Mondale.

C. The Committee accepted and retained a \$1000 loan on October 1, 1976, and a \$4000 loan on October 13th from Anthony Martin-Trigona.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. The Committee accepted a contribution in excess of the limitations set forth in the Federal Election Campaign Act, of 1971, as amended.

Therefore, respondents Illinois Consumers for Carter-Mondale and Joel Joseph agree:

I. Respondents' actions in accepting contributions in excess of the limitaitons is in violation of 2 U.S.C. §441a.

II. That respondents will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

#### GENERAL CONDITIONS

I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437g(a)(1) concerning the matter at issue herein, or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement there-of has been violated, it may institute a 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

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effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel Joseph  
Treasurer  
Illinois Consumers for Carter-Mondale

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BEFORE THE FEDERAL ELECTION COMMISSION


In the Matter of	)	
	)	
	)	MUR 658(78)
	)	
Anthony Martin-Trigona;	)	
Illinois Consumers for	)	
Carter-Mondale	)	


CERTIFICATION

I, Joyce E. Thomann, Recording Secretary to the Federal Election Commission, do hereby certify that on August 30, 1978 by a vote of 5-0, (Commissioner William L. Springer abstaining; Commissioners Aikens, Tiernan, Harris, Staebler and Thomson voting in the affirmative) the Commission approved the recommendations contained in the General Counsel's report dated August 23, 1978.

TO WIT:

1. FIND REASON TO BELIEVE that Mr. Anthony Martin-Trigona may have violated 2 U.S.C. §441a.
2. FIND REASONABLE CAUSE TO BELIEVE that the Illinois Consumers for Carter-Mondale have violated 2 U.S.C. §441a.
3. SEND NOTIFICATION LETTERS AND CONCILIATION AGREEMENTS to respondents.

  
 \_\_\_\_\_  
 Joyce E. Thomann  
 Recording Secretary

  
 \_\_\_\_\_  
 for Marjorie W. Emmons,  
 Secretary to the Commission

DATED: August 31, 1978

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 7904011483



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELF

FROM: MARJORIE W. EMMONS *MUR*

SUBJECT: MUR 658 - General Counsel's Report  
dated 8-23-78, Received in  
Office of Commission Secretary  
8-24-78, 1:22

DATE: AUGUST 28, 1978

The above-named document was circulated on a 48 hour vote basis on August 25, 1978 at 9:00 a.m.

Commissioner Tiernan submitted an objection at 12:19 this date thereby placing MUR 658 on the Amended Agenda for August 30, 1978.

A copy of Commissioner Tiernan's vote sheet is attached.

ATTACHMENT  
Vote Sheet

cc: Commissioner Tiernan



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79040114886



FEDERAL ELECTION COMMISSION

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

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

EXECUTIVE SESSION  
30 AUG 1978

78 AUG 28 P12:19

9:00

Date and Time Transmitted: August 26 1978 -

Commissioner Herman

RETURN TO OFFICE OF COMMISSION SECRETARY BY: AUGUST 29, 1978 - 9:00

MUR No. 658 - General Counsel's Report dated 8-23-78

( ) I approve the recommendation

() I object to the recommendation

COMMENTS: see Conciliation agreement for  
Joel Joseph. Couldn't this be dealt with as  
a reporting violation (i.e. individual campaign  
expenditure)

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

THE OFFICE OF GENERAL COUNSEL WILL TAKE NO ACTION IN THIS MATTER UNTIL THE APPROVAL OF FOUR COMMISSIONERS IS RECEIVED. PLEASE RETURN ALL PAPERS NO LATER THAN THE DATE AND TIME SHOWN ABOVE TO THE OFFICE OF COMMISSION SECRETARY. ONE OBJECTION PLACES THE ITEM ON THE EXECUTIVE SESSION AGENDA.



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79040114801

August 24, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 658

Please have the attached General Counsel's Report on MUR 658 distributed to the Commission on a 48 hour taily basis.

Thank you.

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7904011488

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Anthony Martin-Trigona ) MUR 658(78)  
Illinois Consumers for Carter-Mondale )

GENERAL COUNSEL'S REPORT

I. ALLEGATION

This matter was referred to the Office of General Counsel from the Reports Analysis Division after a records review indicated that Anthony Martin-Trigona contributed \$5,000 to the Illinois Consumers for Carter-Mondale (the Committee) in violation of 2 U.S.C. §441a. (Attachment I)

II. LEGAL ANALYSIS

On September 24, 1976, the Committee registered with the Commission as a multi-candidate committee; however, records indicate that all committee expenditures were made solely on behalf of James Carter and Walter Mondale, thereby making it a single candidate committee.

Mr. Martin-Trigona, the Committee chairman, loaned the Committee \$1,000 on October 1, 1976 and loaned an additional \$4,000 on October 13th. The Committee was notified on December 3, 1976, that the Commission had reason to believe a violation of 2 U.S.C. §441a may have been committed. The committee treasurer responded to the Commission's notification on December 22nd by stating that the Illinois Consumers for Carter-Mondale is not an authorized committee and therefore permitted to accept a contribution in the amount of \$5000

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from an individual, as set forth in §441a(a)(1)(C). (Attachment II) Reports Analysis Division records do not indicate why no further action was taken in this matter beyond the reason to believe stage.

By letter dated September 1, 1977, the respondent notified the Commission that he had forgiven the \$5,000 debt owed to him by the committee.

As set forth in 2 U.S.C. §441a(a)(1)(A), an individual may contribute \$1,000 per election to a federal candidate. Contributions, made either directly or indirectly on behalf of a particular candidate, are considered contributions to that candidate. 2 U.S.C. §441a(a)(8).

The Joint Explanatory Statement of the Committee of Conference, in explaining the provisions of §441a, stated, "The conferees also agree that the same limitations on contribution that apply to candidates shall also apply to committees making expenditures solely on behalf of such candidate." (Conf. Rpt. No. 94-105 M, p. 58, April 28, 1976)

The Commission, in Re: AOR 1976-20, made its position clear regarding the contribution limitations in §441a. The opinion states that an individual may "contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate" provided that the individual has not also contributed directly to the candidate or his authorized committees.<sup>1/</sup> (11 C.F.R. 110.1(h))

<sup>1/</sup> A review of the Commission's G Index covering 1975 to the present, indicate that the respondent has not contributed to any other committees which support Carter.

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Therefore, it appears that Mr. Martin-Trigona has exceeded the contribution limitations set forth in §441a by \$4,000 and the Illinois Consumers for Carter-Mondale has accepted and retained a contribution in violation of §441a.<sup>2/</sup>

III. RECOMMENDATION

1. Find reason to believe Mr. Martin-Trigona may have violated §441a.
2. Find reasonable cause to believe that the Illinois Consumers for Carter-Mondale have violated 2 U.S.C. §441a.
3. Send attached notification letters and conciliation agreements to respondents.

Date

8/23/78



William C. Oydaker  
General Counsel

<sup>2/</sup> If Mr. Martin-Trigona had contributed \$5,000 to a committee which he believed to be a multicandidate committee but was actually a single candidate committee, we would recommend that only the recipient committee be pursued. However, Mr. Martin-Trigona's position as chairman of the committee in question indicates that he was aware of the committee's activities and single candidate status. Therefore, we recommend that he be a respondent in this case.

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7 9 0 4 0 1 1 4 8 3



BEFORE THE FEDERAL ELECTION COMMISSION

August 20, 1978

In the Matter of )

Illinois Consumers for Carter-Mondale, and )  
Joel Joseph, Treasurer )

MUR 658 (78)

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, Illinois Consumers for Carter-Mondale violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondents Illinois Consumers for Carter-Mondale ("the Committee") and Joel Joseph having duly entered into conciliation pursuant to §437g(a)(5), do hereby agree as follows:

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

II. That respondents have 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. On September 24, 1976, the Committee registered with the Commission as a multicandidate committee.

B. The Committee, during its entire existence, acted as a single candidate committee supporting only the candidacy of

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James Carter/ Walter Mondale.

C. The Committee accepted and retained a \$1000 loan on October 1, 1976, and a \$4000 loan on October 13th from Anthony Martin-Trigona.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. The Committee accepted a contribution in excess of the limitations set forth in the Federal Election Campaign Act, of 1971, as amended.

Therefore, respondents Illinois Consumers for Carter-Mondale and Joel Joseph agree:

I. Respondents' actions in accepting contributions in excess of the limitaitons is in violation of 2 U.S.C. §441a.

II. That respondents will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondents agree that they will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431, et seq.

#### GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become

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effective as to the date that all parties hereto have executed same and the Commission has approved the entire agreement.

III. It is agreed that respondents shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Joel Joseph  
Treasurer  
Illinois Consumers for Carter-Mondale

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BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In the Matter of )  
 )  
 ) MUR 658 (78)  
 )  
Anthony Martin-Trigona )

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 reason to believe that respondent, Anthony Martin-Trigona violated 2 U.S.C. §441a:

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Anthony Martin-Trigona 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 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. The Illinois Consumers for Carter-Mondale ("the Committee") registered with the Commission as a multicandidate Committee on September 24, 1978.

B. The Committee acted as a single candidate committee in that it made expenditures solely on behalf of James Carter/Walter Mondale.

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C. Anthony Martin-Trigona loaned the Committee \$1000 on October 1, 1976, and loaned an additional \$4000 on October 13th.

D. As defined in 2 U.S.C. §431(e), a contribution includes "a... loan... or anything of value made for the purpose of influencing the nomination... of any person to Federal office..."

E. Anthony Martin-Trigona made a contribution in excess of the limits set forth in the Federal Election Campaign Act of 1971, as amended.

Therefore, respondent Anthony Martin-Trigona agrees:

I. Respondent's action in contributing in excess of the limitations is in violation of 2 U.S.C. §441a.

II. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. §437g(a)(6)(B).

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

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as to the date that all parties hereto have executed same

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and the Commission has approved the entire agreement.

III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

DATE: \_\_\_\_\_

\_\_\_\_\_  
William C. Oldaker  
General Counsel  
Federal Election Commission

DATE: \_\_\_\_\_

\_\_\_\_\_  
Anthony Martin-Trigona

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7904011489



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Joel Joseph, Esquire  
Illinois Consumers for Carter-Mondale  
1712 I Street, N.W.  
Washington, D.C.

RE: MUR 658

Dear Mr. Joseph:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 Anthony Martin-Trigona loaned the committee \$5000; by letter dated September 1, 1977, he informed the Commission that he had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that the Committee accepted \$4,000 in excess of the limits permissible under the Act during the time you served as treasurer. The Commission has previously found reason to believe a violation of §441a may have been committed.

On August , 1978, the Commission determined that there is reasonable cause to believe that the Illinois Consumers for Carter-Mondale and you, as treasurer, have violated 2 U.S.C. §441a.

The provisions of the Federal Election Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a conciliation agreement apply regardless of whether or not the violation is found to be knowing and willful. We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely,

William C. Oldaker  
General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Anthony R. Martin-Trigona  
One IBM Plaza, Suite 2910A  
Chicago, Illinois 60611

RE: MUR 658(78)

Dear Mr. Martin-Trigona:

Commission review of the reports filed by the Illinois Consumers for Carter-Mondale (the Committee) indicate that in October of 1976 you loaned the Committee \$5,000; by letter dated September 1, 1977, you stated that you had "forgiven" the loan.

As set forth in 2 U.S.C. §441a(a)(1)(A) an individual may contribute \$1,000 per election to a federal candidate. Contributions made on behalf of a candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. §441a(a)(8). Therefore, it appears that you have exceeded your contribution limitations by \$4,000.

On August , 1978, the Commission determined that there is reason to believe you may have violated 2 U.S.C. §441a.

The Commission has a duty to correct such violations by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement. 2 U.S.C. §437g (a)(5)(A). We have attached a copy of the Conciliation Agreement this office offers as settlement of the aforementioned violation.

If you decide to comply with the terms of this Agreement, you should sign and return it to the Commission within ten days. If you have any questions, you should contact Suzanne Callahan (202/523-4058).

Sincerely yours,

William C. Oldaker  
General Counsel

Enclosure

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79040114805



Conf. Report 76 p. 53-54

P-131

ATTACHMENT I



FEDERAL ELECTION COMMISSION

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

June 20, 1978

MEMORANDUM

TO: GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER, STAFF DIRECTOR *OBP*

FROM: TOM HASELHORST *TH*

SUBJECT: CONTRIBUTIONS TO SINGLE CANDIDATE UNAUTHORIZED COMMITTEE

We are attaching a copy of a potential referral to the General Counsel's Office for compliance action. There appears to be a conflict between O.C. 1976-20, 11 CFR 110.1(h) and 2 U.S.C. 441a(a)(1) concerning the correct contribution limitation. O.C. 1976-20 places a \$1,000 limit on contributions by individuals to this type of committee while 2 U.S.C. 441a(a)(1) states that any political committee other than a national party committee or a candidate's principal campaign committee or authorized committee(s) can receive up to \$5,000 from an individual contribution. Which is the correct contribution limitation? *ASL 6-20*

In addition, 11 CFR 109.1(a) removes any limitation on expenditures made independently of the candidate or his/her agents. If the sole activity of an unauthorized single candidate committee consists of making independent expenditures, that committee would have no limit placed on their expenditures. Should there be a limit on the amount one can contribute to such independent committees? *yes*

If this is made into a compliance matter please notify Carroll Bowen of that action along with the assigned MUR number.



79040111067

Date \_\_\_\_\_

Analyst Bob Pease

TO: William Oldaker

Team Chief Craig Crooks

Compliance Review CB

THROUGH: Staff Director

FROM: Assistant Staff Director for Reports Analysis

DESCRIPTION:

Candidate/Committee Illinois Consumers For Carter/Mondale

Treasurer Mr. Joel Joseph

Address One IBM Plaza, Suite 2901A, Chicago, IL 60611

REPORTS: (For reports reviewed, amendments, RFAI's, etc, see indices, Attachment 1)

Period Covered from 10 Day pre-election report ~~xx~~ - general election 1976

Total Receipts \$ 5000 Total Expenditures \$ 1248.80

Cash on Hand \$ -0- Debts \$ -0-

REASON(S) FOR REFERRAL:

7904011153  
7904011180

<u>Allegation(s)</u>	<u>Cite</u>	<u>Attachment</u>
<u>This concerns an excessive loan, later changed</u>	<u>110.(h)</u>	<u>A</u>
<u>to a contribution, from a single candidate</u>		<u>B</u>
<u>unauthorized committee. The contribution exceeds</u>	<u>AOR-1976-20</u>	<u>C</u>
<u>the \$1000 limitation on such committees.</u>		

HISTORY:

The first report filed by this committee, the 10 day report preceding the  
general election, contained two loans aggregating \$5000 from Anthony Martin-  
Trigona - \$1000 on 10/1/76 and \$4000 on 10/13/76. These loans were forgiven  
on the termination report filed by this committee. This loan/contribution  
was made subsequent to AOR-1976-20 and therefore is a violation of that  
opinion and of 110.1(h).



Name of Candidate or Committee

REPORT COVERING THE PERIOD  
FROM: TO:

PART I - RECEIPTS

Column A  
This Period

Column B  
Calendar year-to-date

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) .....	\$ ..... 5000.00	
(b) Unitemized .....	\$ .....	
(c) Subtotal of loans and loan repayments received .....	\$ 5000.00	\$ 5000.00
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) .....	\$ .....	
(c) Subtotal of transfers in .....	\$	\$
19 Total Receipts .....	\$ 5000.00	\$ 5000.00

PART II - EXPENDITURES

20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ ..... 121.80	
(c) Subtotal of operating expenditures .....	\$ 121.80	\$ 121.80
21 Independent Expenditures (use Schedule E) .....	\$ 1127.00	\$ 1127.00
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 .....	\$ 1248.80	\$ 1248.80

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) .....	\$ 5000.00	

PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES

28 Total Receipts (from line 19) .....	\$ 5000.00	
29 Transfers In (from line 18(a)) .....	\$ .....	
30 Net Receipts (Subtract line 29 from line 28) .....	\$ 5000.00	
31 Total Expenditures (from line 25) .....	\$ 1248.80	
32 Transfers out (from line 24(a)) .....	\$ .....	
33 Net Expenditures (Subtract line 32 from line 31) .....	\$ 1248.80	

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

LINE NUMBER 16

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

Name of Candidate or Committee in full

**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
ANTHONY R. MARTIN-TRIGONA One IBM plaza, Suite 2910A Chicago, Illinois 60611		10-1-76	\$1000.00
Principal place of business Same as above		10-13-76	\$4000.00
Occupation self-employed			
<input checked="" type="checkbox"/> Check if Contributor is self-employed			
Aggregate Year-to-date . . . . . ▶ \$ 5000.00			
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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) . . . . . ▶		\$	5,000.00



ANTHONY R. MARTIN-TRIGONA

FEDERAL ELECTION COMMISSION  
OLYMPIC TOWER, SUITE 22P  
641 FIFTH AVENUE  
NEW YORK, NEW YORK 10022  
(212) 636-1498

17 SEP 6 AM 9:36

ONE IBM PLAZA, SUITE 2910A  
CHICAGO, ILLINOIS 60611  
(312) 467-8760

September 1, 1977

PLEASE REPLY TO One IBM Plaza

Ms. Sharon L. Snyder  
Branch Chief, Disclosure Section  
Federal Election Commission  
Washington, D.C. 20463

Re: Illinois Consumers for Carter/Mondale

Dear Ms. Snyder:

Thank you for your letter of August 22nd to which this is a response.

Other than winding up the affairs of the Committee (which was done largely in 1976) there was no activity in 1977.

I received a check for the bank balance in the account of \$51.19 dated March 7th, to close out the bank account.

The balance of my loan to the committee was forgiven. In view of the fact that the debt was owed to an officer of the committee, I believe all relevant information would already be in file. Except for the \$51.19 return on the loan, the entire amount was forgiven.

Thank you for your help in terminating the committee filing status.

With all best wishes,

  
ANTHONY ROBERT MARTIN-TRIGONA

ARMT:sp

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7 9 0 4 0 1 1 4 9 0 3

# Delaware Volunteers For Reagan

18 11:37 15 May 1976

Federal Election Commission  
1325 K. Street  
Washington, D.C. 20463  
Attn: Mr. David Spiegel

S/C # 610  
AOR 1976-20

Steve Arnold  
Chairman

Charles Brechner  
Treasurer

William Felty

John Blankinship

Dear Mr. Spiegel,

With reference to our telephone conversation May 13, it is my understanding that under one legal interpretation of the provisions of the Federal Campaign Financing Act of 1971, as amended (including the most recent amendment signed by the President 11 May 1976) a \$5,000 limitation applies to cumulative contributions by individuals or other committees that are made by them to an unauthorized political committee. This limitation applies separately to the nomination and election process at \$5,000 each. In addition, the overall limitation of \$25,000 for total political contributions would be applicable.

I have been advised that there is another interpretation of the Federal Campaign Financing Act by respectable legal opinion which holds that contributions to an unauthorized political committee are to be treated the same as independent expenditures. Under this interpretation, no limitations whatever would apply, neither the specific \$5,000 limitation nor the overall \$25,000 limitation.

Under either legal theory no limitation applies to expenditures by an unauthorized political committee. (Buckley v. Valeo).

As the Treasurer of an unauthorized political committee, I need your written ruling on this matter as a matter of urgency. I also request that you supply me with a copy of the law signed 11 May 1976.

Please advise urgently.

Sincerely,

*Charles H. Brechner*  
CHARLES H. BRECHNER

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7904011497

113 Columbia Avenue, Rehoboth Beach, Del. 19971 • Phone 302/227-6364

Delaware Volunteers for Reagan is a political committee as defined in 2 USC 431(d). The Committee has not been authorized by Ronald Reagan and the candidate is not responsible for the Committee's activities. A copy of our report is filed with the Federal Election Commission and available for purchase from the Federal Election Commission, Washington, D.C.





FEDERAL ELECTION COMMISSION

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

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§431a(a)(1)(C) and (a)(2)(C) persons 1/

1/ "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.

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multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general matter, a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation maintained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate reported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act may contribute any amount to Delaware Governor Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Therefore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to

a candidate shall also apply to a committee making expenditures solely on behalf of such candidate.

\* \* \*

This definition [of "contribution"] distinguishes between independent expressions of an individual's views and the use of an individual's resources to aid a candidate in a manner indistinguishable in substance from the direct payment of cash to a candidate.

Conference Report, No. 94-1057, pp. 58, 59  
April 28, 1976

The Commission's proposed regulations reflect this Congressional intent in §110.1(h), by stating that a person may contribute to a candidate and also contribute to a political committee supporting the candidate so long as (1) the political committee is not an authorized committee of the candidate or a single candidate committee supporting only the same candidate; (2) the contributor does not give with the knowledge that a substantial portion will be contributed to or expended on behalf of that candidate; and (3) the contributor does not retain control over the funds. Thus, the Delaware Volunteers for Reagan could not accept contributions from persons who had already contributed their maximum amount to Governor Reagan, one of his authorized political committees, or another committee supporting only Governor Reagan's candidacy, since contributions to a single candidate political committee are clearly made "on behalf of" the candidate supported by the committee.

You raise the question whether contributions to an unauthorized political committee should be treated as independent expenditures, and thus subject to no limitation pursuant to Buckley. The Supreme Court struck down expenditure limitations, holding them violative of the First Amendment right of freedom of speech, but found limitations on contributions were constitutional:

A limitation on the amount of money a person may give to a candidate or campaign organization thus involves little direct restraint on his political communication, for it permits the

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symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" 2/ made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. 3/ A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

2/ "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

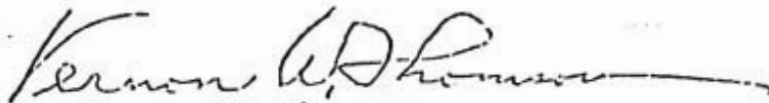
3/ If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

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+110.1h

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

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REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE August 11, 1978 ANALYST \_\_\_\_\_  
 TO: General Counsel  
 ATTENTION: Suzanne Callahan TEAM CHIEF \_\_\_\_\_  
 THROUGH: STAFF DIRECTOR <sup>B.L. for</sup> <sub>O.A.P.</sub> COMPLIANCE REVIEW Carroll Bowen  
 FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *L. Zella for T. Hasselquist*

MUR No. 658 (78) DATE OF ORIGINAL REFERRAL June 14, 1978

\*\*PURPOSE: INFORMATION

Per your request for further information regarding our referral on Illinois Consumers for Carter/Mondale, our records indicate that a first notice surface violation letter was sent to the committee on November 12, 1976. No response was received, therefore, reason to believe was found and a letter of notification was sent to the committee on December 3, 1976. Our records indicate that the letter was not received due to an address change, and a second letter was mailed on December 21, 1976. A letter dated December 22, was received on December 27, 1976 in response to our notices, but was not followed up.

We do not know why this matter was not pursued any further at that time; however, new compliance procedures uncovered this error and the matter was referred to the General Counsel for review.

OUTCOME: (if applicable)

ATTACHMENTS:

- 11/12/76 Notice
- 12/3/76 & 12/21/76 Notice (RTB) and certification
- 12/22/76 letter of response
- RAD compliance control card
- Certified mail log

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
 \*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

79040111491



FEDERAL ELECTION COMMISSION

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

(ADDRESSES)

Dear \_\_\_\_\_:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. This law has, as you know, many and sometimes complex provisions. One such provision precludes individuals and political committees, other than certain multicandidate committees, from making political contributions to a candidate for Federal election in excess of \$1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office.

During review of the \_\_\_\_\_ Report of Receipts and Expenditures filed with the \_\_\_\_\_, we noticed an entry indicating that you may have received a contribution which exceeds the limits noted above. A copy of that portion of your report is attached so that a review of your records can be made.

If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

If you find that the contribution you received was in excess of the limits set forth in the Act, the Commission recommends that you return the amount in excess of \$1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of Receipts and Expenditures.

Please notify the Commission within ten (10) days of receipt of this letter of the determination made on this matter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Orlando B. Potter  
Staff Director

Enclosure

Receipt Requested: Certified



790101111911  
U.S.

December 3, 1976

MEMORANDUM FOR: NANCY DAVIS

FROM:

MARJORIE EMMONS *MWE*

RE:

RAS # 17; RAS # 18; RAD # 5; and RAD #6

The above mentioned RASs and RADs were transmitted to the Commissioners on December 2, 1976 at 12:30 p.m.

As of 12:30 on December 3, 1976 no objections have been received.

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**"Reason to Believe"**  
Committees to Receive 2nd Letters Surface Violations  
Failure to respond  
to First letter RAD

- 7974011163  
1904011191
- ~~1. John R. Rarick Congressional Campaign Committee (Louisiana) Miscellaneous report  
(C00004762)~~
  2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General  
(C00065920)
  - ~~3. Tisdale for Congress (Connecticut) 30 Day Post election  
(C00055418)~~
  4. Green County Republican Central Committee (Indiana)  
NON-REGISTERED
  5. Democratic Party of Cook County (Illinois)  
NON-REGISTERED
  6. Pulaski County Republican Central Committee (Indiana)  
NON-REGISTERED
  7. Noble County Republican Central Committee (Indiana)  
NON-REGISTERED
  8. Miami County Republican Central Committee (Indiana)  
NON-REGISTERED
  9. Lake County Republican Central Committee (Indiana)  
NON-REGISTERED
  10. Muskegon County Republican Finance Committee (Michigan)  
NON-REGISTERED
  11. Citizens for Freedom, Inc. (Missouri)  
NON-REGISTERED
  - ~~12. Richmond Republican City Committee (Indiana)  
NON-REGISTERED~~
  - ~~13. Florida Friends for Reagan (Florida)  
NON-REGISTERED~~
  14. TransportWorkers Political Contributions Committee (New York) October Monthly  
(C00008268)
  - ~~15. Nike McCormack Congressional Committee (Washington) October 10 Quarterly  
(C00000851)~~
  16. Plumbers Union Local #609 Committee for Political Action (Penn.)  
NON-REGISTERED
  - ~~17. League of Conservation Voters (California)  
NON-REGISTERED~~
  18. Coles County Republican Central Committee (Illinois) May 10 report of Citizens for Reagan  
(C00068551)
  - ~~19. Grabow for Congress Committee (Ohio) October 10  
(C00051581)~~
  20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10  
(C00047670)
  21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election  
(C00053405)
  - (22.) Ed gadix for Congress Committee (Georgia)October 10 report  
(C00051490)
  23. Green for Senate Committee (Penn.) October 10 Quarterly  
(C00033522)



FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)

Dear \_\_\_\_\_:

On \_\_\_\_\_, you were notified that certain entries in the \_\_\_\_\_ Report of Receipts and Expenditures filed by your committee raised problems under section \_\_\_\_\_ of the Federal Election Campaign Act of 1971, as amended.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of section \_\_\_\_\_.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Commissioner

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15 DEC 27 10:17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) of Title 2, United States Code, clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

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7 8 0 3 0 7 2 2 9 5 8

TYPE OF REPORT	1ST NOTICE			2ND NOTICE			3RD NOTICE		
	SENT	DUE	RESP.	SENT	DUE	RESP.	SENT	DUE	RESP.
10-Day	11/12	11/27		12-3-76	12-19-76				
RAS(D) #				12/21/76	1/5/77	Telephone 12/22			
<del>RADRESS</del>	REMARKS			REMARKS RESENT DUE TO ADDRESS CHANGE 12/21/76			REMARKS		
TYPE OF REPORT									
RAS(D) #									
	REMARKS			REMARKS			REMARKS		

ANALYST'S INITIALS

*[Handwritten Signature]*

5 1 6 8 1 1 0 0 6 2  
1 2 1 1 1 1 0 0 0 2



15 DEC 27 10:17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006  
  
(202) 338-5660

December 22, 1976

Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) of Title 2, United States Code, clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

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REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE 9/12/78

ANALYST Bill Coppel

TO: OFFICE OF GENERAL COUNSEL  
ATTENTION: CHRIS TOW

TEAM CHIEF Suzanne Wilson S. Wilson

THROUGH: STAFF DIRECTOR ML

COMPLIANCE REVIEW Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS DK

AUDIT No. 29  
MUR No. 658

DATE OF ORIGINAL REFERRAL 5/23/78

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\*\*\*PURPOSE: OTHER RELEVANT INFORMATION: RECEIPT OF 30-DAY POST PRIMARY TERMINATION REPORT.

On 9/6/78, our division received a 30-Day Post Primary Report/Termination Report from the Illinois Democratic Campaign Committee (see attachment # 1). The report covers the period from 3/10/78 through 4/21/78.

Upon review of the report, the following Request For Additional Information was prepared, (see attachment #2), and will be sent upon notification by your division.

OUTCOME: (if applicable)

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
\*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

ANTHONY ROBERT MARTIN-TRIGONA

RECEIVED  
SECRETARY OF THE SENATE

1978 SEP 6 AM 9 48

HAND DELIVERED

BOX 11204  
CHICAGO, ILLINOIS 60611  
(312) 467-6760

August 20, 1978

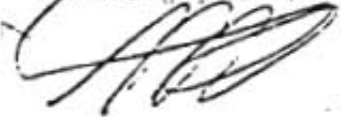
Secretary of the Senate  
119 D Street, NE  
Washington, DC 20510

Dear People:

Enclosed please find a combination post election and  
termination report.

Please return one file stamped copy to us for our records.

Thanking you in advance.



ANTHONY R. MARTIN-TRIGONA

ARVT:sp

79040111175  
79040111920



**REPORT OF RECEIPTS AND EXPENDITURES  
FOR A CANDIDATE OR COMMITTEE  
SUPPORTING CANDIDATE(S) FOR  
NOMINATION OR ELECTION TO FEDERAL OFFICE**

(Except for Candidates or Committees Receiving Federal Matching Funds)

SECRET  
1978  
FEDERAL ELECTION COMMISSION

1978  
Federal Election Commission  
1225 K Street, N.W.  
Washington, D.C. 20463

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

1 Illinois Democratic Campaign Committee 52397 2 I.D. No. 58IL00097  
 Name of Candidate or Committee (in full) IL DEM C 871 Candidate/Committee  
Box 11204 3 United States Senator/Illinois  
 Address (number and street) Chicago, IL 60611 Office Sought, State/District (if applicable)  
 City, State and ZIP Code  Check if address is different than previously reported. Year of Election 1978

4 Type of Report (check appropriate boxes)

April 10 Quarterly Report  
 July 10 Quarterly Report  
 October 10 Quarterly Report  
 January 31 Annual Report  
 Monthly Report (month) \_\_\_\_\_ on \_\_\_\_\_ (date) in the State of \_\_\_\_\_

Tenth day report preceding \_\_\_\_\_ election (primary, general or convention) on \_\_\_\_\_ in the State of \_\_\_\_\_  
 Termination Report  
 Amendment for \_\_\_\_\_ which report \_\_\_\_\_

Thirtieth day report following Primary election (primary, general or convention) on \_\_\_\_\_ in the State of \_\_\_\_\_


This is a report for  Primary Election  General Election  Primary and General  Other (specify runoff, etc.) \_\_\_\_\_

**SUMMARY OF RECEIPTS AND EXPENDITURES**  
(Figures may be rounded to nearest dollar.)

5 Covering Period	Column A This Period	Column B Calendar Year To Date
<u>3/10/78</u> Through <u>4/21/78</u>		
6 Cash on hand January 1, 1978		\$ 241,551.01
7 Cash on hand at beginning of reporting period	\$ 125,050.93	
8 Total receipts (from line 19)	\$ 434,976.20	\$ 534,976.20
(a) Subtotal: Add lines 7 and 8 for Column A and lines 6 and 8 for Column B	\$ 560,057.13	\$ 776,527.21
9 Total expenditures (from line 25)	\$ 560,057.13	\$ 776,527.21
10 Cash on hand at close of reporting period (Subtract line 9 from line 8a)	\$ 0	\$ 0
11 Value of contributed items on hand to be inventoried (Attach itemized list)	\$ _____	
12 Debts and obligations owed to the Committee/Candidate (itemize on Schedule C)	\$ _____	
13 Debts and obligations owed by the Committee/Candidate (itemize on Schedule C)	\$ _____	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.  
7/10/78 Anthony R. Martin-Tricono  
 (Date) (Typed Name of Treasurer or Candidate) (Signature of Treasurer or Candidate)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. Section 437j, or Section 447j, (see reverse side of form).

For further information, contact:  Federal Election Commission  
 1225 K Street, N.W.  
 Washington, D.C. 20463 or call 300/424-9530

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

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.

779902-1001111718 A-5

OF CANDIDATE OR COMMITTEE

REPORT COVERING THE PERIOD

Illinois Democratic Campaign Committee

FROM: 3/10/78

TO: 4/21/78

RECEIPTS

Column A  
This Period

Column B  
Calendar Year-To-Date

Contributions from individuals (including contributions in-kind):

(a) Itemized (use Schedule A) .....	\$ 434,976.20	
(b) Unitemized .....	\$	
(c) Sales and collections included above: List by event on memo Schedule D (S _____ )	\$ 434,976.20	\$ 434,976.20
(d) Subtotal of contributions from individuals .....	\$	\$
Transfers from Political Committees:		
(a) Funds from affiliated/authorized committee (itemize on Schedule A regardless of amount) .....	\$	
(b) Funds from other committees (itemize on Schedule A regardless of amount) .....	\$	
(c) Contributions in-kind from political committees (itemize on Schedule A regardless of amount) .....	\$	
(d) Subtotal of transfers in and contributions in-kind from political committees .....	\$	\$
Other income:		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of other income .....	\$	\$
Loans and Loan Repayments Received:		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of loans and loan repayments received .....	\$	\$ 100,000.00
Refunds, Rebates, Returns of Deposits:		
(a) Itemized (use Schedule A) .....	\$	
(b) Unitemized .....	\$	
(c) Subtotal of refunds, rebates, returns of deposits .....	\$	\$
25. Total Receipts .....	\$ 434,976.20	\$ 534,976.20

EXPENDITURES

Operating Expenditures:		
(a) Itemized (use Schedule B) .....	\$ 10,051.13	
(b) Unitemized .....	\$ 6.03	
(c) Subtotal of operating expenditures .....	\$ 10,057.13	\$ 226,527.21
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 .....	\$ 550,000.00	\$ 550,000.00
Transfers Out to Political Committees:		
(a) To affiliated/authorized committee (itemize on Schedule B regardless of amount) .....	\$	
(b) To other committees (itemize on Schedule B regardless of amount) .....	\$	
(c) Contributions in-kind to other committees (itemize on Schedule B regardless of amount) .....	\$	
(d) Subtotal of transfers out .....	\$	\$
26. Independent Expenditures (use Schedule E) .....	\$	\$
26. Coordinated Expenditures Made by Political Committees (2 U.S.C. 441a(d)) (itemize on Schedule E) .....	\$	\$
26. Total Expenditures .....	\$ 560,057.13	\$ 776,527.21

RECEIPTS AND EXPENDITURES,  
NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES

26. Total Receipts (from line 19) .....	\$	
27. Transfers In (from line 15(a)) .....	\$	
28. Net Receipts (Subtract line 27 from line 26) .....	\$	
29. Total Expenditures (from line 25) .....	\$	
30. Transfers Out (from line 22(a)) .....	\$	
31. Net Expenditures (Subtract line 30 from line 29) .....	\$	

**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 1 for

LINE NUMBER 14 (a)  
(Use separate schedule(s) for each numbered line)

16 A  
Election Commission  
Street, N.W.  
Washington, D.C. 20463

Name of Candidate or Committee in full

**ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE**

Full Name, mailing address and ZIP code	Date (month, day, year)	Amount of each receipt this period
Anthony Robert Martin-Trigona <b>15C 58120097</b> Box 11204 Chicago, Illinois 60611 SEE APPENDIX "A"	4/78	434,976.20
Principal place of business Chicago, Illinois	Occupation Investor (candidate)	
<input checked="" 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 each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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) ..... ▶ \$ 434,976.20

7988464478

Itemized Expenditures  
 Campaign Fundraising, Loans, and Transfers  
 for Lines 20, 22, 23, and/or 24 of FEC Form 3

LINE NUMBER 20a

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

(See Instructions on back)

Name of Candidate or Committee in full

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
WBBM 630 N. McClurg Ct. Chicago, Ill. 60611	Advertising	3/13/78	1,311.60
WLOO 875 N. Michigan AV Chicago, Ill. 60611	Advertising	3/13/78	357.00
WCLR 4849 Golf Road Skokie, Ill. 60076	Advertising	3/13/78	153.00
WLAK 875 N. Michigan Av. Chicago, Ill. 60611	Advertising	3/13/78	167.00
The Sentinel Magazine 323 S. Franklin Chicago, Ill. 60606	Advertising	3/11-12/78	381.78
Audio Mixers 740 N. Rush St. Chicago, Ill. 60611	Recording tapes	3/10/78	50.00
WBBM-TV 630 N. McClurg Ct. Chicago, Ill. 60611	Advertising	3/17/78	2,890.00
WLS-TV 190 N. State Chicago, Ill. 60601	Advertising	3/17/78	2,545.75

Subtotal of expenditures this page (optional) ▶ \$ 7,856.13

Total this period (last page this line number only) ▶ \$

77902011437

Rule B  
 276  
 Federal Election Commission  
 175 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 2 of 2 for

LINE NUMBER 20a

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

Name of Candidate or Committee in full

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE

Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenditure this period
WMAQ-TV Merchandise Mart Chicago, Ill. 60654	Advertising	3/17/78	1,870.00
WTVO-TV Meridian Rd. Box 470 Rockford, Ill. 61105	Advertising	3/20/78	325.00
Anthony Robert Martin-Trigona Box 11204 Chicago, IL 60611	Repay/cancel line of credit	4/78	550,000.00
Subtotal of expenditures this page (optional) .....			\$
Total this period (last page this line number only) .....			\$560,057.13

779 00 02 301 11 17 0 0 0

APPENDIX "A"

At the outset of his campaign for the Senate, candidate established a line of credit for his campaign committee from the candidate personally.

During the course of the campaign, candidate made advances to the committee as set forth in earlier reports to the Commission.

Now, at the conclusion of the election, with candidate having been unsuccessful, there is no basis to assume that the committee could ever repay the loans which were made to the committee.

Accordingly, in this report, candidate has extinguished the debt owed to him by the Committee and entries to accomplish this result are reported to the Commission in this filing. As a result, the activities of the committee have terminated with the wiping out of the debt owed, and this report thus serves as both a post election and termination report.

7'9'00 4200 11 11 17 89

7904011192



FEDERAL ELECTION COMMISSION

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

Mr. Anthony R. Martin-Trigona, Treasurer  
ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE  
Box 11204  
Chicago, IL 60611

Dear Mr. Martin-Trigona:

This letter is prompted by our interest in assisting Senate candidates and committees who wish to comply with the Federal Election Campaign Act.

During review of the 30-Day Post Primary Report of Receipts and Expenditures, we noted that you omitted certain information or made apparent mathematical errors in certain entries. Attached is an itemization of the information requested.

While we recognize the difficulties you may have experienced in filling out the reporting forms, we must ask that you supply the Secretary of the Senate, Office of Public Records, 119 D Street, N.E., Washington, D.C. 20510, with the missing information within fifteen (15) days from the date of this letter. If you have any questions, please do not hesitate to contact Bill Coppel in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Orlando B. Potter  
- Staff Director

Attachment  
FEC Form 12



790401118  
790401119

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

TO: ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE/IL DATE: \_\_\_\_\_

I.D. NO.: C00078881

REQUEST FOR ADDITIONAL INFORMATION FOR THE 30-Day Post Primary REPORT OF RECEIPTS  
AND EXPENDITURES COVERING THE PERIOD 3/10/78 THROUGH 4/21/78  
PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

A review of the report indicates that additional information is needed in order to be considered complete. Please return a copy of this form with your amended submission(s).

Please provide the required data, as indicated (x):

Coverage Dates \_\_\_ omitted or  incorrect

Signature  omitted or \_\_\_ incorrect

\_\_\_ Summary Page Line(s) \_\_\_ Column(s) \_\_\_ Totals \_\_\_ omitted or \_\_\_ incorrect

\_\_\_ Detailed Summary (Page 2) Line(s) \_\_\_ Column(s) \_\_\_ Totals \_\_\_ omitted or \_\_\_ incorrect

\_\_\_ Schedule Totals \_\_\_ disagree with Detailed Summary (Page 2) or \_\_\_ omitted

Date(s) \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

Full Name(s) Omitted for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Mailing Address(es) \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Occupational Descriptions \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Principal Place(s) of Business \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

Aggregate Year-to-date Totals \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

Nature or Purpose of Expenditure \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

Nature or Purpose of Receipt \_\_\_ omitted or \_\_\_ inadequate for Schedule(s) \_\_\_ Line(s) \_\_\_

\_\_\_ Inadequate Description of \_\_\_ proceeds \_\_\_ dates \_\_\_ events \_\_\_ location of Schedule \_\_\_

Other: Please see page two.

Your initial submission(s), together with this request for additional information, has been made available for public inspection. The Commission urges you to file the additional submission(s) promptly to the above address. If you have any questions regarding this request, please call the Disclosure Division toll free at (800) 424-9530. The local Washington, D.C. telephone number is (202) 523-4048.

Senate filers should file their submission(s) with the Secretary of the Senate, Office of Public Records, 119 D St., N.E., Washington, D.C. 20510. House filers should file their submission(s) with the Clerk of the House, Office of Records and Registration, 1036 Longworth House Office Building, Washington, D.C. 20515.



PAGE TWO

REQUEST FOR ADDITIONAL INFORMATION

ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE/IL

Please be advised that 2 USC 434(c) requires reports to be cumulative for the calendar year. Please provide reports to cover the period 3/7/78 to 3/31/78 and 4/22/78 to 6/30/78.

Please be advised that your committee may not terminate its reporting requirements until all debts and obligations have been extinguished. 2 USC 434(b)(12) requires continuous reporting of debts and obligations until they have been extinguished. Please provide a Schedule C to indicate the present status of the debts reported on your 10-Day Pre-Primary Report.

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7 9 0 4 0 1 1 1 1 9 2 2

REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE August 11, 1978 ANALYST \_\_\_\_\_

TO: General Counsel ATTENTION: Suzanne Callahan TEAM CHIEF \_\_\_\_\_

THROUGH: STAFF DIRECTOR <sup>B.L. for</sup> O.A.P. COMPLIANCE REVIEW Carroll Bowen

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS *L. Zella for T. Hasselquist*

MUR No. 658 (78) DATE OF ORIGINAL REFERRAL June 14, 1978

\*\*PURPOSE: INFORMATION

Per your request for further information regarding our referral on Illinois Consumers for Carter/Mondale, our records indicate that a first notice surface violation letter was sent to the committee on November 12, 1976. No response was received, therefore, reason to believe was found and a letter of notification was sent to the committee on December 3, 1976. Our records indicate that the letter was not received due to an address change, and a second letter was mailed on December 21, 1976. A letter dated December 22, was received on December 27, 1976 in response to our notices, but was not followed up.

We do not know why this matter was not pursued any further at that time; however, new compliance procedures uncovered this error and the matter was referred to the General Counsel for review.

OUTCOME: (if applicable)

ATTACHMENTS:

- 11/12/76 Notice
- 12/3/76 & 12/21/76 Notice (RTB) and certification
- 12/22/76 letter of response
- RAD compliance control card
- Certified mail log

\*Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).  
 \*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

790401135  
1193

Committees who have received in excess  
of \$1,000



FEDERAL ELECTION COMMISSION

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

(ADDRESSES)

Dear \_\_\_\_\_:

This letter is prompted by the Commission's interest in assisting candidates and committees who wish to comply with the Federal Election Campaign Act, as amended. This law has, as you know, many and sometimes complex provisions. One such provision precludes individuals and political committees, other than certain multicandidate committees, from making political contributions to a candidate for Federal election in excess of \$1,000 per election. The Act defines a multicandidate committee as one which has been registered for a period of not less than six months; has received contributions from more than fifty persons; and has made contributions to five or more candidates for Federal office.

During review of the \_\_\_\_\_ Report of Receipts and Expenditures filed with the \_\_\_\_\_, we noticed an entry indicating that you may have received a contribution which exceeds the limits noted above. A copy of that portion of your report is attached so that a review of your records can be made.

If you find that the entry in question is incomplete or incorrect, please submit a statement which would clarify this particular matter for the public record. You may do so by amending your original report by letter.

If you find that the contribution you received was in excess of the limits set forth in the Act, the Commission recommends that you return the amount in excess of \$1,000 to the donor. This return should be reported immediately by letter and should be reflected as a contribution refund on your next report of Receipts and Expenditures.

Please notify the Commission within ten (10) days of receipt of this letter of the determination made on this matter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Orlando B. Potter  
Staff Director

Enclosure

Receipt Requested: Certified



7-9-70 10 11 19 11

December 3, 1976

MEMORANDUM FOR: NANCY DAVIS  
FROM: MARJORIE EMMONS *MWE*  
RE: RAS # 17; RAS # 18; RAD # 5; and RAD #6

The above mentioned RASs and RADs were transmitted to the Commissioners on December 2, 1976 at 12:30 p.m.

As of 12:30 on December 3, 1976 no objections have been received.

7904011137  
7904011493

15

"Reason to Believe"  
Committees to Receive 2nd Letters Surface Violations  
Failure to respond  
to First letter RAD

- 7 9 0 4 0 1 1 1 8 3  
7 9 7 4 0 1 1 4 9 3 3
- ~~1. John R. Parick Congressional Campaign Committee (Louisiana) Miscellaneous report  
(C00004762)~~
  2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General  
(C00065920)
  - ~~3. Tisdale for Congress (Connecticut) 30 Day Post election  
(C00055418)~~
  4. Green County Republican Central Committee (Indiana)  
NON-REGISTERED
  5. Democratic Party of Cook County (Illinois)  
NON-REGISTERED
  6. Pulaski County Republican Central Committee (Indiana)  
NON-REGISTERED
  7. Noble County Republican Central Committee (Indiana)  
NON-REGISTERED
  8. Miami County Republican Central Committee (Indiana)  
NON-REGISTERED
  9. Lake County Republican Central Committee (Indiana)  
NON-REGISTERED
  10. Muskegon County Republican Finance Committee (Michigan)  
NON-REGISTERED
  11. Citizens for Freedom, Inc. (Missouri)  
NON-REGISTERED
  - ~~12. Richmond Republican City Committee (Indiana)  
NON-REGISTERED~~
  - ~~13. Florida Friends for Reagan (Florida)  
NON-REGISTERED~~
  14. TransportWorkers Political Contributions Committee (New York) October Monthly  
(C00008268)
  - ~~15. Mike McCormack Congressional Committee (Washington) October 10 Quarterly  
(C00000851)~~
  16. Plumbers Union Local #609 Committee for Political Action (Penn.)  
NON-REGISTERED
  - ~~17. League of Conservation Voters (California)  
NON-REGISTERED~~
  18. Coles County Republican Central Committee (Illinois) May 10 report of Citizens for  
(C00068551) Reagan
  - ~~19. Grabow for Congress Committee (Ohio) October 10  
(C00051581)~~
  20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10  
(C00047670)
  21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election  
(C00053405)
  - (22.) Ed gadix for Congress Committee (Georgia)October 10 report  
(C00051490)
  23. Green for Senate Committee (Penn.) October 10 Quarterly  
(C00033522)



FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)

Dear \_\_\_\_\_:

On \_\_\_\_\_, you were notified that certain entries in the \_\_\_\_\_ Report of Receipts and Expenditures filed by your committee raised problems under section \_\_\_\_\_ of the Federal Election Campaign Act of 1971, as amended.

As of this date, however, we have received no response from you. Your failure to respond gives the Commission reason to believe that you may have committed a violation of section \_\_\_\_\_.

The Commission intends to take no action against you until you have had a reasonable opportunity to respond to this letter. This response should be mailed to the Commission within ten (10) days of receipt of this letter. If you have any questions, please do not hesitate to contact \_\_\_\_\_ (202/382-3484) our reports analyst assigned to you.

Sincerely,

Commissioner

7 9 0 4 0 1 1 1 1 8 0  
7 9 0 1 1 1 1 9 3



15 DEC 27 AB: 17

JOEL D. JOSEPH  
ATTORNEY AT LAW  
SUITE 1010  
1712 EYE STREET, N. W.  
WASHINGTON, D. C. 20006

(202) 338-5560

December 22, 1976

Orlando B. Potter  
Staff Director  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Lan,

This letter is in response to RAD0135SS. Section 441a(a)(1)(C) of Title 2, United States Code, clearly allows individuals to make contributions to committees of \$5,000 as long as the committee is not an authorized committee. Illinois Consumers for Carter/Mondale is not an authorized committee.

I trust that this clarifies the matter.

Sincerely yours,

*Joel D. Joseph*  
Joel D. Joseph

7904011190  
7893072059

NAME OF COMMITTEE

*Illinois Consumers for Cysted Mopase*

TYPE OF REPORT	1ST NOTICE			2ND NOTICE			3RD NOTICE		
	SENT	DUE	RESP.	SENT	DUE	RESP.	SENT	DUE	RESP.
<i>10-Day</i>	<i>11/12</i>	<i>11/27</i>		<i>12-3-76</i>	<i>12-19-76</i>				
				<i>12/21/76</i>	<i>1/5/77</i>	<i>1st call on 12/22</i>			
RAS(D) #									
<b>RADRESS</b>	REMARKS			REMARKS			REMARKS		
				<i>RESENT DUE TO ADDRESS CHANGE 12/21/76</i>					
TYPE OF REPORT									
RAS(D) #									
	REMARKS			REMARKS			REMARKS		

ANALYST'S INITIALS

*DMW*

9 7 6 1 1 0 1 0 6 2



7001011102

Name and Address of Sender

RAS 12/20

Indicate type of mail:  
 REGISTERED  REGISTERED C O D  
 CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill  
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEES	R.R. FEES	POST OFFICE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	Taylor 1700 Lookout Rd. Buckles, Co	403	12.3					
2	Joseph 1712 E ST N.W. Wash, DC 20006	504	40	10	10			
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								

TOTAL NO OF PIECES LISTED BY SENDER: 2 TOTAL NO OF PIECES REC'D AT P.O.: 6 POSTMASTER PER (Name of receiving employee):  
 \*Show under "Remarks" class postage paid if other than first or if international



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20461

June 20, 1978

MEMORANDUM

TO: GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH: ORLANDO B. POTTER, STAFF DIRECTOR *OBP*

FROM: TOM HASELHORST *JH*

SUBJECT: CONTRIBUTIONS TO SINGLE CANDIDATE UNAUTHORIZED COMMITTEE

7904011193  
790401114933

We are attaching a copy of a potential referral to the General Counsel's Office for compliance action. There appears to be a conflict between O.C. 1976-20, 11 CFR 110.1(h) and 2 U.S.C. 441a(a)(1) concerning the correct contribution limitation. O.C. 1976-20 places a \$1,000 limit on contributions by individuals to this type of committee while 2 U.S.C. 441a(a)(1) states that any political committee other than a national party committee or a candidate's principal campaign committee or authorized committee(s) can receive up to \$5,000 from an individual contribution. Which is the correct contribution limitation?

In addition, 11 CFR 109.1(a) removes any limitation on expenditures made independently of the candidate or his/her agents. If the sole activity of an unauthorized single candidate committee consists of making independent expenditures, that committee would have no limit placed on their expenditures. Should there be a limit on the amount one can contribute to such independent committees?

If this is made into a compliance matter please notify Carroll Bowen of that action along with the assigned MUR number.



REPORTS ANALYSIS REFERRAL SHEET

D # \_\_\_\_\_

Date \_\_\_\_\_

Analyst Bob Pease

TO: William Oldaker

Team Chief Craig Crooks

Compliance Review CB

THROUGH: Staff Director

FROM: Assistant Staff Director for Reports Analysis

DESCRIPTION:

Candidate/Committee Illinois Consumers For Carter/Mondale

Treasurer Mr. Joel Joseph

Address One IBM Plaza, Suite 2901A, Chicago, IL 60611

REPORTS: (For reports reviewed, amendments, RFAI's, etc, see indices, Attachment 1)

Period Covered from 10 Day pre-election report ~~xx~~ - general election 1976

Total Receipts \$ 5000 Total Expenditures \$ 1248.80

Cash on Hand \$ -0- Debts \$ -0-

REASON(S) FOR REFERRAL:

<u>Allegation(s)</u>	<u>Cite</u>	<u>Attachment</u>
<u>This concerns an excessive loan, later changed</u>	<u>110.(h)</u>	<u>A</u>
<u>to a contribution, from a single candidate</u>	<u></u>	<u>B</u>
<u>unauthorized committee. The contribution exceeds</u>	<u>AOR-1976-20</u>	<u>C</u>
<u>the \$1000 limitation on such committees.</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

HISTORY:

The first report filed by this committee, the 10 day report preceeding the general election, contained two loans aggregating \$5000 from Anthony Martin-Trigona - \$1000 on 10/1/76 and \$4000 on 10/13/76. These loans were forgiven on the termination report filed by this committee. This loan/contribution was made subsequent to AOR-1976-20 and therefore is a violation of that opinion and of 110.1(h).

7904011199

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

RECEIVED  
 FEDERAL ELECTION  
 COMMISSION  
 NOV 2 1976

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

1(a) Name of Candidate or Committee (in full)  Check if name or address is changed  
**ILLINOIS CONSUMERS FOR CARTER/MONDALE**

2 Identification Number  
**00005920 C99000085**

(b) Address (number and street)  
**ONE IBM PLAZA, SUITE 2910A**  
**Chicago, Illinois 60611**

3(a) Is this a report of receipts and expenditures for only one election?  Yes  No  
 (b) If "Yes," for which election? General on Nov 2, 1976  
 (general, primary, runoff) (date)

4 Type of Report (Check appropriate box and complete, if applicable)  
 (a)  Amendment For \_\_\_\_\_ (Which report) (c)  July 10 Quarterly Report  
 (b)  April 10 Quarterly Report (d)  October 10 Quarterly Report  
 (h)  Tenth day report preceding General election on Nov 2 in the State of Illinois  
 (primary, general or convention) (date)  
 (i)  Thirtieth day report following \_\_\_\_\_ election on \_\_\_\_\_ in the State of \_\_\_\_\_  
 (primary, general or convention) (date)

Candidate or Committee Summary of Receipts and Expenditures

Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
5 Cash on hand January 1, 19 .....		\$ None
7 Cash on hand at beginning of reporting period .....	\$ None	
8 Total receipts (from line 19) .....	\$ 5000.00	\$ 5000.00
(a) Subtotal (Add lines 7 and 8) .....	\$ 5000.00	\$ 5000.00
9 Total expenditures (From line 25) .....	\$ 1248.80	\$ 1248.80
10 Cash on hand at close of reporting period (Subtract line 9 from line 8) .....	\$ 3751.20	\$ 3751.20
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) .....		\$

5x P60000247

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

JOEL D. JOSEPH  
 (Typed Name of Treasurer or Candidate)

Joel D. Joseph  
 (Signature of Treasurer or Candidate)

10-20-76  
 (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 §441; (See reverse side of form)

Spiegel

✓

# 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-date
<b>15 Contributions and other Income:</b>		
(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 .....	\$ .....	\$ .....
<b>16 Loans and Loan Repayments Received:</b>		
(a) Itemized (use Schedule A) .....	\$ ..... 5000.00	
(b) Unitemized .....	\$ .....	
(c) Subtotal of loans and loan repayments received .....	\$ ..... 5000.00	\$ ..... 5000.00
<b>17 Refunds, Rebates, Returns Received:</b>		
(a) Itemized (use Schedule A) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of refunds, rebates, returns .....	\$ .....	\$ .....
<b>18 Transfers In:</b>		
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount) .....	\$ .....	
(b) From other Committees (Itemize on Schedule A Regardless of Amount) .....	\$ .....	
(c) Subtotal of transfers in .....	\$ .....	\$ .....
<b>19 Total Receipts .....</b>	<b>\$ ..... 5000.00</b>	<b>\$ ..... 5000.00</b>
<b>PART II - EXPENDITURES</b>		
<b>20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):</b>		
(a) Itemized (use Schedule B) .....	\$ ..... 121.80	
(b) Unitemized .....	\$ ..... 121.80	
(c) Subtotal of operating expenditures .....	\$ ..... 121.80	\$ ..... 121.80
<b>21 Independent Expenditures (use Schedule E) .....</b>	<b>\$ ..... 1127.00</b>	<b>\$ ..... 1127.00</b>
<b>22 Loans, Loan Repayments, and Contribution Refunds Made:</b>		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of loans and loan repayments made and contribution refunds .....	\$ .....	\$ .....
<b>23 For Use Only By Presidential Campaigns Receiving Federal Funds: Exempt Fundraising, Legal and Accounting Expenditures:</b>		
(a) Itemized (use Schedule B) .....	\$ .....	
(b) Unitemized .....	\$ .....	
(c) Subtotal of fundraising expenditures .....	\$ .....	\$ .....
<b>24 Transfers Out:</b>		
(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 .....	\$ .....	\$ .....
<b>25 Total Expenditures .....</b>	<b>\$ ..... 1248.80</b>	<b>\$ ..... 1248.80</b>
<b>PART III - DEBTS AND OBLIGATIONS</b>		
<b>26 Debts and obligations owed to the Committee (Itemize all on Schedule C) .....</b>	<b>\$ .....</b>	
<b>27 Debts and obligations owed by the Committee (Itemize all on Schedule C) .....</b>	<b>\$ ..... 5000.00</b>	
<b>PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES</b>		
<b>28 Total Receipts (from line 19) .....</b>	<b>\$ ..... 5000.00</b>	
<b>29 Transfers In (from line 18(a)) .....</b>	<b>\$ .....</b>	
<b>30 Net Receipts (Subtract line 29 from line 28) .....</b>	<b>\$ ..... 5000.00</b>	
<b>31 Total Expenditures (from line 25) .....</b>	<b>\$ ..... 1248.80</b>	
<b>32 Transfers out (from line 24(a)) .....</b>	<b>\$ .....</b>	
<b>33 Net Expenditures (Subtract line 32 from line 31) .....</b>	<b>\$ ..... 1248.80</b>	

52470304067

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)

Name of Candidate or Committee in full

ILLINOIS CONSUMERS FOR CARTER/MONDALE

Full Name, mailing address and ZIP code ANTHONY R. MARTIN-TRIGONA One IBM plaza, Suite 2910A Chicago, Illinois 60611		Date (month, day, year) 10-1-76	Amount of each receipt this period \$1000.00
Principal place of business Same as above	Occupation self-employed	10-13-76	\$4000.00
		<input checked="" type="checkbox"/> Check if Contributor is self-employed	
		Aggregate Year-to-date ..... ▶ \$ 5000.00	

Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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 each receipt this period
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) .....		▶	\$ 5,000.00

7900401726

Itemized Independent Expenditures  
for Line 21 F.E.C. Form 3

(See reverse side for instructions)

Name of Candidate or Committee in full <b>ILLINOIS CONSUMERS FOR CARTER/MONDALE</b>	Id. No. <b>c00065920</b>
Full Name, mailing address and ZIP code <b>ONE IBM Plaza, Suite 2910A, Chicago, Illinois 60611</b>	Is This a Separate Report by a Committee Filing on FEC Form 3A? <u>no</u>

Itemize expenditures which exceed, in the aggregate, \$100 within a calendar year

Full Name, mailing address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
WICA MIDWEST TELEVISION Champaign, Illinois 61820	TV time and production	Oct. 14, 1976	\$1127.00	James Carter Walter Mondale

7662894776337

(a) Subtotal of Itemized Independent Expenditures .....	\$ 1127.00
(b) Subtotal of Unitemized Independent Expenditures .....	\$
(c) Total Independent Expenditures .....	\$ 1127.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Subscribed and sworn to before me this 21 day of October, 19 76  
 My Commission Expires 5/31/81  
*Harold A. Elroy*  
 NOTARY PUBLIC

*Joseph*  
 Signature  
10-21-76  
 Date

ANTHONY R. MARTIN-TRIGONA

FEDERAL ELECTION COMMISSION  
PIC TOWER, SUITE 22P  
641 FIFTH AVENUE  
NEW YORK, NEW YORK 10022  
(212) 836-1498

1977 SEP 6 AM 9:36

ONE IBM PLAZA, SUITE 2910A  
CHICAGO, ILLINOIS 60611  
(312) 467-6760

September 1, 1977

PLEASE REPLY TO One IBM Plaza

Ms. Sharon L. Snyder  
Branch Chief, Disclosure Section  
Federal Election Commission  
Washington, D.C. 20463

Re: Illinois Consumers for Carter/Mondale

7904011199

Dear Ms. Snyder:

Thank you for your letter of August 22nd to which this is a response.

Other than winding up the affairs of the Committee (which was done largely in 1976) there was no activity in 1977.

I received a check for the bank balance in the account of \$51.19 dated March 7th, to close out the bank account.

The balance of my loan to the committee was forgiven. In view of the fact that the debt was owed to an officer of the committee, I believe all relevant information would already be in file. Except for the \$51.19 return on the loan, the entire amount was forgiven.

Thank you for your help in terminating the committee filing status.

With all best wishes,  
  
ANTHONY ROBERT MARTIN-TRIGONA

ARMT:sp



# Delaware Volunteers For Reagan

MAY 18 10:37 15 May 1976

Federal Election Commission  
1325 K. Street  
Washington, D.C. 20463  
Attn: Mr. David Spiegel

*I/C # 610  
AOR 1976-20*

Hetty Arnold  
Chairman

Charles Breecher  
Treasurer

William Felty

Judy Blankinship

Dear Mr. Spiegel,

With reference to our telephone conversation May 13, it is my understanding that under one legal interpretation of the provisions of the Federal Campaign Financing Act of 1971, as amended (including the most recent amendment signed by the President 11 May 1976) a \$5,000 limitation applies to cumulative contributions by individuals or other committees that are made by them to an unauthorized political committee. This limitation applies separately to the nomination and election process at \$5,000 each. In addition, the overall limitation of \$25,000 for total political contributions would be applicable.

I have been advised that there is another interpretation of the Federal Campaign Financing Act by respectable legal opinion which holds that contributions to an unauthorized political committee are to be treated the same as independent expenditures. Under this interpretation, no limitations whatever would apply, neither the specific \$5,000 limitation nor the overall \$25,000 limitation.

Under either legal theory no limitation applies to expenditures by an unauthorized political committee. (Buckley v. Valeo).

As the Treasurer of an unauthorized political committee, I need your written ruling on this matter as a matter of urgency. I also request that you supply me with a copy of the law signed 11 May 1976.

Please advise urgently.

Sincerely,

*Charles H. Breecher*  
CHARLES H. BREECHER

7904011200  
790401149+

113 Columbus Avenue, Rehoboth Beach, Del. 19971 • Phone 302/227 6364

Delaware Volunteers for Reagan is a political committee as defined in 2 USC 431(d). The Committee has not been authorized by Ronald Reagan and the candidate is not responsible for the Committee's activities. A copy of our report is filed with the Federal Election Commission and is available to the public. For more information contact the Federal Election Commission, Washington, D.C.



FEDERAL ELECTION COMMISSION

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

17 AUG 1976

Re: AOR 1976-20

Mr. Charles H. Breecher  
Delaware Volunteers for Reagan  
133 Columbia Avenue  
Rehoboth Beach, Delaware 19971

Dear Mr. Breecher:

This responds to your request of May 15, 1976, for an opinion regarding the application of contribution limits of the Federal Election Campaign Act of 1971, as amended ("the Act"), to donations by any person to an unauthorized political committee.

We regret the delay in answering your inquiry, but, subsequent to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976), the Commission was required to suspend the issuance of advisory opinions until after the date of its reconstitution. Moreover, 2 U.S.C. §437f, as amended by the Federal Election Campaign Act Amendments of 1976, now requires the Commission to formulate its rules of general applicability by proposing formal regulations, rather than by the advisory opinion process. The Commission has recently approved proposed regulations for transmittal to Congress which directly relate to the issues raised in your request.

You state you are treasurer of an unauthorized political committee, Delaware Volunteers for Reagan, and you ask whether contributions to this committee are subject to any limitation under the Act. 2 U.S.C. §431(d) defines a "political committee" as any committee (whether or not authorized) which receives contributions or makes expenditures in excess of \$1,000 during a calendar year; "contributions" and "expenditures" are gifts or payments made for the purpose of influencing a Federal candidate's election, see §§431(e) and (f). Under 2 U.S.C. §§441a(a)(1)(C) and (a)(2)(C) persons <sup>1/</sup>

<sup>1/</sup> "Person" is defined in 2 U.S.C. §431(h), and includes an individual, partnership, committee and any other organization or group of persons.

7904011201  
7901011191



Multi-candidate political committees are limited to contributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general rule a committee within the definition of §431(d) that is neither an authorized candidate committee nor a committee established by a national party, may accept contributions from any one person not in excess of \$5,000 per calendar year and any contribution from an individual would be applied against his or her \$25,000 annual contribution limitation contained in 2 U.S.C. §441a(a)(3). However, under the circumstances discussed below, donors to your committee will be regarded as making contributions to the single candidate supported by your committee and thus subject to the \$1,000 limit in 2 U.S.C. §441a(a)(1), or \$5,000 if the donor is a qualified multi-candidate committee, 2 U.S.C. §441a(a)(2).

Your request raises the question whether persons who have already contributed their maximum amount under the Act for Governor Reagan may contribute any amount to Delaware volunteers for Reagan, which though an unauthorized political committee, is apparently supporting only his candidacy. 2 U.S.C. §441a(a)(1)(A) places a \$1,000 per election limit on contributions by persons "to a Federal candidate." Furthermore, in addition to direct contributions to the candidate, contributions are considered to be made "to" a candidate if they are contributions made to an authorized political committee of the candidate (§441a(a)(7)(A)); expenditures made in consultation with or at the suggestion of the candidate (§441a(a)(7)(B)(i)); or contributions made either directly or indirectly on behalf of a particular candidate (§441a(a)(8)).

The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow a contributor to give his maximum permissible contribution directly to a candidate, and then indirectly contribute additional funds to the same candidate, by either making expenditures himself in cooperation with the candidate, or by contributing to a political committee which is solely supporting the same candidate. The Joint Explanatory Statement of the Committee of Conference, in explaining the above provisions, stated:

The conferees also agree that the same limitations on contributions that apply to



symbolic expression of support evidenced by a contribution but does not in any way infringe the contributors freedom to discuss candidates and issues.

96 S. Ct. 612, at 636.

The focus of the Court was on the constitutional right to "vigorous advocacy" by an individual or organization; however, this right did not include donations to another person or organization to communicate for the original "speaker." Under Buckley, the 1976 Amendments to the Federal Election Campaign Act of 1971, and the Commission's proposed regulations, Part 109, a person or organization is subject to no limitation on "independent expenditures" <sup>2/</sup> made for or against Federal candidates. The right to "speak one's mind" is thus unimpaired. However, when the speaker chooses to contribute to another person or organization, the Court's rationale for upholding contribution limits comes into play, and the Act's limits would apply to this activity.

In summary, it would be permissible under the Act for a person to do either of the following things, but only one: (1) contribute \$1,000 per election directly to a Federal candidate or the candidate's authorized committees, (2) contribute \$1,000 per election to an unauthorized single candidate committee that makes independent expenditures on behalf of the candidate. <sup>3/</sup> A person may contribute \$5,000 during a calendar year to a political committee other than the type described in (1) and (2) only if the conditions in §110.1(h) of the proposed regulations are satisfied. In any event, the person may also make unlimited independent expenditures from his or her personal funds to influence the nomination or election of the candidate. The foregoing conclusions relating to the limits on contributions to an unauthorized single candidate committee shall only apply with respect to contributions made by the donor after July 30, 1976, the date the Commission approved §110.1(h) of the proposed regulations.

<sup>2/</sup> "Independent expenditure" is defined as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, and which is not made in concert with, or at the request of any candidate, 2 U.S.C. §431(p).

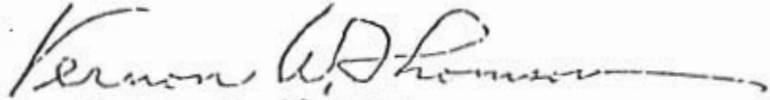
<sup>3/</sup> If the person is a multi-candidate committee under 2 U.S.C. §441a(a)(4) the applicable amount is \$5,000 rather than \$1,000.

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790431194

+110.1h

This response relates to your opinion request but may be regarded as informational only and not as an advisory opinion since it is based in part on proposed regulations of the Commission which must be submitted to Congress. The proposed regulations may be prescribed in final form by the Commission only if not disapproved either by the House or the Senate within thirty legislative days from the date received by them. 2 U.S.C. §438(c). The proposed regulations were submitted to Congress on August 3, 1976. It is the Commission's view that no enforcement or compliance action should be initiated in this matter if the actions of the political committee you represent conform to the conclusions and views stated in this letter.

Sincerely yours,



Vernon W. Thomson  
Chairman for the  
Federal Election Commission

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70010114951

