

PARTIE AND STREET STREET STREET STREET

# FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 658

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

Cameraman BPC



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,

William C./Oldaker General Counsel

Enclosures

Commission's certification General Counsel's Report



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 Q. Oldaker General Counsel

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#### 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.
- 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:

Date

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

Pebruary 9, 1979

MEMORANDUM TO: Narge Emsions

PROM: Blissa T. Gage;

SUBJECT: NUR 658.

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

Thank you.

0

In the Matter of ) 79 FEB 9 PI2: 34

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. §44la; 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. §44la(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.

# Recommendation

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

2/8/19

William C. Oldaker General Counsel

Attachments

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



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

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Dear Mr. Joseph:

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Sincerely,

William C. Oldaker General Counsel

Enclosures

Commission's certification General Counsel's Report





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

#### 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. §44la 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. §44la for accepting and retaining those funds.

## Background

C

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. \$44la, and authorize the filing of a civil action.

/12/79 Date

William C. Oldaker General Counsel



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).

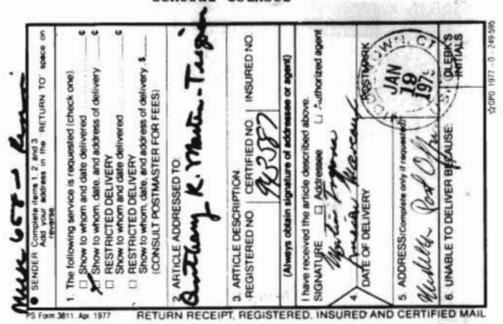
If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely

William C. Oldaker General Counsel

Enclosures

Letter Concili







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:

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Sincerely, Miles

William C. Oldaker General Counsel

Enclosures

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SENDER Concluses items 1.2 and 3

The following service is requested (check one)

Show to whom and date delivered

Show to whom an





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).

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Sincerely,

William C. Oldaker General Counsel

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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





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





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





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 &. Oldaker General Counsel

Enclosures





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## FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO:

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.



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

MEMORANDUM TO

CHARLES STEELE

FROM:

MARJORIE W. EMMONS

DATE:

0

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.

December 4, 1978

HENORANDUM TO: Harge Dimons

PROM: TLiant T. GER

SUBJECT: MUR 658

Place have he attached interia condit Report of an 638 distributed to the Commission.

# BEFORE THE FEDERAL ELECTION COMMISSION

78 DEC 4 P5: 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. §44la 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. §44la 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. 1/

1/ 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. 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.

12/4/2e

40111

William C. Oldaker

General Counsel



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 A STATE OF THE PARTY OF THE PAR

Enclosure

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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 <u>Buckley</u> v. <u>Valeo</u>, 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 <u>Buckley</u> 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 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" 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. 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>quot;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 LECTION

October 14, 1978

178 OCT 18 AM 9800 HZO4 CHICAGO, ILLINOIS GOGII

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 extorion 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 MARTIN-TRIGONA

ARMT:sp

BOX 11204 CHICAGO, ILLINOIS 60611

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



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

MEMORANDUM TO

FROM:

MARJORIE W. EMMONS TO WE

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.

September 29, 1978

MEMORANDUM TO: Harge Esmons

PROM: Eliman T. Gara

SUBJECT: MUR 658

Report distributed to the Commission.

Thank you.

RECEIVED OFFICE OF THE

### BEFORE THE FEDERAL ELECTION COMMISSION September 27, 1978

78 SEP 29 PI2: 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.

7/28/28

C

William C. Oldaker General Counsel JOEL D. JOSEPH

ATTORNEY AT LAW SUITE 1010 1712 EYE STREET, N.W. WASHINGTON, D.C. 20000

> (202) \$30-5860 (202) \$50-5405

PLOEFAL ELECTION

'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 44la(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 ATTORNEY AT LAW **SUITE 1010** 1712 EVE STREET, N.W. VASHINGTON, D.C. 2000 (202) 336-8960 (202) 336-5492 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, c.c. Federal Election Commission 

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

Dear Lan,

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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 trustthat this charifies the matter.

Sincerely yours,

nel f. towe

SUITE 1010

-WASHINGTON, D.C. 20006

15°

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

SENDI H sumplete items 1 2 and 3 Add your address in the RE reverse	Callaka
1 The following service is requested to Show to whom and date delivered Shirw to whom, date, and address RESTRICTED DELIVERY Show to whom and date delivered RESTRICTED DELIVERY Show to whom, date, and address (CONSULT POSTMASTER FOR)	of delivery conditions
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## BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

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

c

#### 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:

- 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 C I. The Commission on request of anyone filing a complaint un-C. der 2 U.S.C. §437q(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

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



#### 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. \$44la(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. \$44la(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 \$44la 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).

William C. Oldaker General Counsel

Sincere

Enclosure

CERTIFIED MAIL doel Joseph, Esquire Ellinois Consumers For Carter-Mondal TV VICE Street, NAV Mashington, D.C. RE: MUR 658 Dear Mr. Joseph: Committee of the Commit The October of 19/6 inchesy continues tooms (control of the 1500) by letter decrease depth near 1 1977, he incomes the committee to the 100 per 1 1977, he incomes the committee to the 100 per 1 1977, he incomes the As set forth in 2 U.S.C. 5441a(a)(1)(A) an individual ma contribute \$1,000 per election to a federal candidate. Con-tributions made on behalf of candidate, either directly or indirectly, are considered to have been made to that candidate. 2 U.S.C. \$461m(a)(5). Therefore, it appears that the Committee accepted \$4,000 in orders of the limits permissible under the lact during the time you served as treasurer. The Commission has previously found reason to believe a violation of \$441m. may have been comitted. On August 1978, the Counterism determined that there is reasonable cause to believe that the Italinois Consumers for Carter-Mondale and you as themserer 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 Consiliation Agreement this office offers as settlement of the aforementioned violation If you decide to comply with the terms of this Agrees you should sign and return to the Commission within ten days. If you have any questions, you should cantact Susanne Callahan [202/523-4058] . Sincerely, William C. Oldsker General Couns Enclosure

# BEFORE THE FEDERAL ELECTION COMMISSION August 20, 1978 In the Matter of MUR 658 (78) Illinois Consumers for Carter-Mondale, and Joel Joseph, Treasurer 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:

respondents and the subject of this proceeding.

with the Commission as a multicandidate committee.

monstrate that no action should be taken in this matter.

C

II.

That the Federal Election Commission has jurisdiction over

That respondents have had a reasonable opportunity to de-

A. On September 24, 1976, the Committee registered

The Committee, during its entire existence, acted

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

as a single candidate committee supporting only the candidacy of

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. §44la. 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. §437q(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 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

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7 )

Illinois Consumers for Carter-Mondale

### 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:

- FIND REASON TO BELIEVE that Mr. Anthony Martin-Trigona may have violated 2 U.S.C. §44la.
- 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 AGREE-MENTS to respondents.

Joyce E. Thomann Recording Secretary

Secretary to the Commission

DATED: August 31, 1978

C



#### FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM:

MARJORIE W. EMMONS

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 1973.

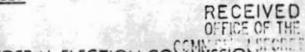
A copy of Commissioner Tiernan's vote sheet is attached.

ATTACHMENT · Vote Sheet



cc: Commissioner Tiernan

43 HOUR TALL CHEET



**EXECUTIVE SESSIO** 30 AUG 1978



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463 78 AUG 28 PIZ: 19

9:00

Date and Time Transmitted: August 26 1978 -

Commissioner Herran
RETURN TO OFFICE OF COMMISSION SECRETARY BY: AUGUST 29. 1978 -
<b>S</b>
MUR No. 658 - General Counsel's Report dated 8-23-78
( ) I approve the recommendation ( ) I object to the recommendation
COMMENTS: see Conculation agreement for Joel Joseph. Couldn't this be dealt with as a reporting irolation (i. 4 individual indigering Expenditive
Joel Joseph. Couldn't this be dealt with as
a reporting violation ( a endividual indepens
Expenditive'
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 OM THE EXECUTIVE SESSION AGENDA.



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9040111170

August 24, 1978

MEMORANDUM TO: Margo Emmons

PROME

Elisaa T. Garr

SUBJECT: SUR 658

Places here the attached Chartal Common to Haport

on MDR 659 distributed to the Commission on a 48 hour

tally basis.

Thank you.

#### BEFORE THE FEDERAL ELECTION COMMISSION

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

#### 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

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. §44la(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. §44la(a)(8).

The Joint Explanatory Statement of the Committee of Conference, in explaining the provisions of §44la, 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 §44la. 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. 1/ (11 C.F.R. 110.1(h))

A review of the Commission's G Index coverning 1975 to the present, indicate that the respondent has not contributed to any other committees which support Carter.

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.2/

#### III. RECOMMENDATION

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

Date 8/23/18

William C. Oldaker 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		
		MUR 658(78)
Illinois Consumers for Carter-Mondale,	and	⊠.
Joel Joseph, Treasurer		IŽ

#### 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

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..." 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: Respondents' actions in accepting contributions in excess of the limitaitons is in violation of 2 U.S.C. §44la. 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

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:	
3	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)
				)			
Ant	hony	Martin	n-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.

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. §44la. 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. §437q(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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#### 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. §44la(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. §44la(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 §44la 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



#### 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.

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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

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cong. Keport 74 p. 58-54

7-131

ATTACH MENT I



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.S. WASHINGTON, D.C. 200463

June 20, 1978

#### MEMORANDUM

TO:

GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH:

ORLANDO B. POTTER, STAFF DIRECTOR

FROM:

TOM HASELHORST

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.



Jate	Anal	ys Bob P	ease
	Team	Chief _Craig	95 W. F. S. L. S. C. C. C.
TO: William Oldaker		liance Review	A-
THROUGH: Staff Director			
FROM: Assistant Staff Director	for Report	s Analysis	
DESCRIPTION:			
Candidate/Committee Illinois Cons	umers For Car	ter/Mondale	
Treasurer Mr. Joel Joseph			
Address One IBM Plaza, Suite 2901A, Ch	icago, IL 60	611	
REPORTS: (For reports reviewed, an Attachment 1)	mendments, 1	RFAI's, etc,	see indices
Period Covered from 10 Day pre-elect	ion report two	- general elec	tion 1976
Total Receipts \$ 5000	Total Exp	enditures \$ 1	248.80
Cash on Hand \$ -0-	Debts	\$ -0-	3 = 5
REASON(S) FOR REFERRAL:			
Allegation(s)		Cite	Attachment
This concerns an excessive loan, later c	hanged	110.(h)	_A
to a contribution, from a single candida	te		В
unauthorized committee. The contribution	n exceeds	AOR-1976-20	c
the \$1000 limitation on such committees.			
		1	
HISTORY:			2 9
The first report filed by this committee	, the 10 day	report preceedi	ng the
general election, contained two loans ag	gregating \$50	00 from Anthony	Martin-
Trigona - \$1000 on 10/1/76 and \$4000 on	10/13/76. The	ese loans were	forgiven
on the termination report filed by this	committee T	his loan/contri	bution '
	committeet.		The second secon
was made subsequent to AOR-1976-20 and to			hat

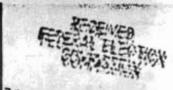
C

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3 1 109 peral Election Commission 3 K Street, N.W. hington, D.C. 20463

# for Candidate or Committee Supporting any Candidate(s) for Nomination or Election to Federal Office



Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with m records with respect to each election. 1(a) Name of Candidate or Committee (in full) Check if name or address is changed 2 Identification Number 000065920 6990000 85 ILLINOIS CONSUMERS FOR CARTER/MONDALE 3(a) Is this a report of receipts and expenditures for only one election? 20 Yes No (b) Address (number and street) (b) If "Yes," for which election? ONE IBM PLAZA, SUITE 2910A Nov 2,197 Chiecher 419thnois 60611 (general, primary, runoff) (dete) 4 Type of Report (Check appropriate box and complete, if applicable) (e) I Jenuery 31 Year End Report (a) Amendment For (c) D July 10 Quarterly Report (f) Monthly Report \_ (Month) (Which report) (d) October 10 Quarterly Report (b) April 10 Quarterly Report (g) Termination Report Illinois General (h) Tenth day report preceding (i) Thirtieth day report following (primary, general or convention) (date) Candidate or Committee Summary of Receipts and Expenditures 5 Covering Period: From Through Column A Column B Section A - Cash Balance Summary Calendar Year-To-Date This Period None 6 Cash on hand January 1, 19 . . None 7 Cash on hand at beginning of reporting period . . 5000.00 5000.00 8 Total receipts (from line 19) . 5000.00 5000.00 (a) Subtotal (Add lines 7 and 8) 5× P60000 247 1248.80 1248.80 \$ Total expenditures (From line 25) 3751.20 3751.20 10 Cash on hand at close of reporting period (Subtract line 9 from line 8) . . 11 Contributed items on hand to be liquidated (attach itemized list) . . . . . . . . . . Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidentia! 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. 20.76 ( JOEL D. JOSEPH (Typed Name of Treasurer or Candidate) - (Signature of Treasurer of Candidate) Note: Submission of felse, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 4379 or 6 441; (See reverse side of furm)

For further information Contact:

Federal Election Commission 1325 K Struct, 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.

V

REPORT COVERING THE PERIOD ume of Candidate or Committee FROM: Column A Column B PART I - RECEIPTS Calendar year-to-date This Period 15 Contributions and other Income: (a) Itemized (use Schedüle A) ........... (c) Sales and Collections Included Above: List by event on memo Schedule D (\$\_ (d) Subtotal of contributions and other income ........... Loans and Loan Repayments Received: \$ .....5000.00 (a) Itemized (use Schedule A) 5000.00 5000 00 17 Refunds, Rebates, Returns Received: AND THE PERSON IN (c) Subtotal of refunds, rebetes, returns .................. 5000.00 5000.00 PART II - EXPENDITURES 20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures): s......121.80. 121.80 1127.00 1127.00 22 Loans, Loan Repayments, and Contribution Refunds Made: 23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting 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) 1248.80 1248.80 PART III - DEBTS AND OBLIGATIONS 26 Debts and obligations owed to the Committee (Itemize all on Schedule C) . . . . 5000.00 PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES 5000.00 29 Transfers In (from line 18(a))..... 5000-00-1248.80 1248.80

# street, N.W.

# Rebat and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3 (1000 Instructions on back)

### LINE NUMBER 16

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

Name of Candidate or Committee in full

ANTHONY R. MARTIN-TRIGONA One IBM plaza, Suite 2910A Chicago, Illinois 60611		
Occupation	10-13-76	\$4000.00
self-employed		4
Check if Contributor is self-employed		
Aggregate Year-to-date \$ 5000.00		
	Date (month, day, year)	Amount of each receipt this period
Occupation		
Check if Contributor is self-employed	1	
1	Date (month, day, year)	Amount of each receipt this period
Occupation		
Check if Contributor is settlemployed	1	
	1	
	day, year)	receipt this period
Occupation		
☐ Check if Contributor is self-employed		
Aggregate Year-to-date		
340	Date (month, day, year)	Amount of each receipt this period
¥2		
Occupation		
☐ Check if Contributor is self-employed	1	
Aggregate Year-to-date ▶ \$		
	Date (month, day, year)	Amount of each receipt this period
Occupation	-	
Check if Contributor is self-employed	1	
Aggregate Year-to-date	100	
		\$
	Occupation  Self-employed  Scheck if Contributor is self-employed Aggregate Year-to-date	Occupation Self-employed  Check if Contributor is self-employed Aggregate Year-to-date

geral Election Commission 25 K Street, N.W. Ishington, D.C. 20463

# zed Independent Expendit. es for Line 21 F.E.C. Form 3

Name of Candidate or Committee in full			ld. No.	
ILLINOIS CONSUMERS FOR C	ARTER/MONDALE		C0006	5920
ONE IBM Plaza, Suite 291	OA, Chicago, Il	linois 6061	1 Is This a Separa	ste Report by a Committee Fil
ternize expenditures which exceed, in the aggregate, S	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 Candidat supported or opposed by the expenditure & office sough
WICA MIDWEST TELEVISION Champaign, Illinois 61820	TV time and production	Oct. 14, 1976	\$1127.00	James Carter Walter Mondale
2-2				
		i i		
		878		
		tr.		
(a) Subtotal of Itemized Independent Expenditures		\$	1127.00	
(b) Subtotal of Unitermized Independent Expenditure (c) Total Independent Expenditures	•		s	1127.00
Under penalty of perjury I certify that the independent herein were not made in cooperation, consultation consecutor suggestion of any candidate or imply authorized committee. Furtherm did not involve the financing of dissemination, distribution whole or in part of any campaign materials prepared campaign committee, or their agent.	encert with, or at the cod committee or agent ore, these expenditures ution, or republication d by the candidate his	Subscribed and sworn  De Casa, 19 7  Commission Expires  5 3 1 7 7	2	Land Mar Eleon

ANTHONY R. MARTIN-TRIGONA

SEP 6 AH 9: 36 HIGAGO, ILLINOIS GOGII

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.

lith all best wishes

ANTHONY ROBERT MARTIN-TRIGONA

ARMT: sp

## Delaware Volunteers For Reagan

113: 37 15 May 1976

Federal Election Commission 1325 K. Street Washington, D.C. 20463 Atta : Nr. David Spiegel

Dear Mr. Spiegel,

TIC# 610 AOR 1976-20

Treasurer Iliam Felty

arles Breecher

dy Biankinship

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 Fresident 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

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

Delawate Volunteers for Reagan is a profited committee as defined in 2 USC 431(d). The Columittee has not been authorized by Rogald Reagan and the candidate is not responsible for the Committee's activities. A copy of our report is filled with the Federal Florition Commission and recyclable for purchase from the Federal Florition Commission, Vedongton, D.C.



### FLDI RAI FLECTION COMMISSION

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

1 7 AUG 1976

Pe: AOR 1976-20

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

Doar 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 <u>Buckley v. Valeo</u>, 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. multi-candidate political committees are limited to tributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general a committee within the definition of \$431(d) that is ther an authorized candidate committee nor a committee ablished by a national party, may accept contributions many one person not in excess of \$5,000 per calendar rand any contribution from an individual would be applied inst his or her \$25,000 annual contribution limitation tained in 2 U.S.C. \$441a(a)(3). However, under the cumstances discussed below, donors to your committee will regarded as making contributions to the single candidate ported by your committee and thus subject to the \$1,000 it in 2 U.S.C. \$441a(a)(1), or \$5,000 if the donor is a lified multi-candidate committee, 2 U.S.C. \$441a(a)(2).

Your request raises the question whether persons who evalready contributed their maximum amount under the Act Governor Reagan may contribute any amount to Delaware unteers for Reagan, which though an unauthorized political mittee, is apparently supporting only his candidacy.

S.C. §441a(a)(1)(A) places a \$1,000 per election limit contributions by persons "to a Federal candidate." thermore, in addition to direct contributions to the didate, contributions are considered to be made "to" a didate if they are contributions made to an authorized itical committee of the candidate (\$441a(a)(7)(A)); enditures made in consultation with or at the suggestion the candidate (\$441a(a)(7)(B)(i)); or contributions made her directly or indirectly on behalf of a particular didate (\$441a(a)(8)).

The above statutory provisions were designed to enforce limitations on contributions upheld by the Supreme Court Buckley by closing loopholes that would otherwise allow ontributor to give his maximum permissible contribution ectly to a candidate, and then indirectly contribute itional funds to the same candidate, by either making enditures himself in cooperation with the candidate, or contributing to a political committee which is solely porting the same candidate. The Joint Explanatory tement of the Committee of Conference, in explaining 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" 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. 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>quot;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
of 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. 5441a(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

## RTS ANALYSIS REFERRAL UPDA

\*ORIGIN: RAD

DATE	August 11, 1978	ANALYST
TO:	General Counsel ATTENTION: Suzanne Callahan	TEAM CHIEFCOMPLIANCE REVIEW Carroll Bowen
THRO	UGH: STAFF DIRECTOR AAR	COMPLIANCE REVIEW

ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS FROM:

DATE OF ORIGINAL REFERRAL June 14, 1978 658 (78) MUR No. -INFORMATION \*\*PURPOSE

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

<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

<sup>\*\*</sup>INFORMATION, or RESULTS OF RAD ACTION, as appropriate.



### FEDERAL ELECTION COMMISSION

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

(ADDRESSESS)

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.

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 Power Receipt Requested: Certified MEMORANDUM FOR:

FROM:

MARJORIE EMMONS TO WE RAS # 17; RAS # 18; RAD # 5; and RAD #6

RE: 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.

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

	- Control of the Cont
	1. John R. Rarick Congressional Campaign Committee (Lousiana) Miscellaneous report
	2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General
•	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
	<ol> <li>Muskegon County Republican Finance Committee (Michigan) NON-REGISTERED</li> </ol>
	11. Citizens for Freedom, Inc. (Missouri) NON-REGISTERED
	-12. Richmond Republican City Committee (Indiana) -NON-REGISTERED -
9	13. Florida Friends for Reagan (Florida) NON-REGISTERED
	<ol> <li>TransportWorkers Political Contributions Committee (New York) October Monthly (C00008268)</li> </ol>
	-15. Mike McCormack Congressional Committee (Washington) October 10 Quarterly - (C00000851) -
	<ol> <li>Plumbers Union Local #609 Committee for Political Action (Penn.) NON-REGISTERED</li> </ol>
	-17. Loague 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- -(COOO51581)-
	20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10 (C00047670)
,	21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election (C00053405)
,	Ed gadix for Congress Committee (Georgia)October 10 report (C00051490)
	23. Green for Senate Committee (Penn.) October 10 Quarterly (CO0033522)

(22.



### FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)			
Dear		3	
the by your committe	Report of Received problems	ceipts and Expend under section	itures filed
you. Your failu	date, however, we re to respond give ay have committed	es the Commission	reason to be-
you have had a r This response sh days of receipt	ion intends to tall easonable opportunould be mailed to of this letter. It to contact to you.	nity to respond to the Commission w If you have any q	o this letter. ithin ten (10) uestions, please
		Sincerely,	

Commissioner



13 DEC 27 A8: 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 44la(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

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,				12/21/26	1/5/2.	10/22	_		_
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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,

0.

This letter is in response to RAD0135SS. Section 44la(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

### REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

DATE	9/12/78	ANALYST Bill Coppel 7
TO: OFFICE	OF GENERAL COUNSEL ATTENTION: CHRIS TOW	TEAM CHIEF Suzanne Wilson S. W. Jo
THROUGH:	STAFF DIRECTOR ASSISTANT STAFF DIRECTO	R FOR REPORTS ANALYSIS
AUDIT No. 2		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 form 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)

\*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

ANTHONY ROBERT MARTIN-TRIGONAL PRESENT

1978 SEP "6 48 9 48

Hand Diring

BOX H204 CHICAGO, ILLINOIS GOG!! (3)21-467-6760

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.

Thenking you in advance.

AUTHORY R. MARTIN-TRIGONA

ARYT:SP

K Street, N W gron, D.C. 20463

### HEPON , UF MELEIF IS AND EAFE ..... URES FOR A CANDIDATE OR COMMITTEE SECRE: SUPPORTING CANDIDATE(S) FOR

NOMINATION OR ELECTION TO FEDERAL OFFICE

 Committees authorized by a candidate to receive contributions and make expenditures in contri	Ma Grania	 e ever tien must m	
separate records with respect to each election.			

	ocratic Campaign	Committee 5 237	7 - 12 -	SBIL	00097	7
Name of Caro-case or C Box 11204			2 1.5	-	Canoicate	Committee
Box 11204	IL DEN	1 C871_	Unite	ed States Se		•
Address Inumper and 11	reet/		•	Sought, State/Dis		
Chicago, IL				13		197
City, State and ZiP Coo		Chece . I accress a citter	ent than previous	lly reported.	Yes	of Election 197
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	. D Tento			4-0521-00		
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	D. metro	ern cay report following	Primary		_	INDER RECORD
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	-months	-Cater		2000		
This is a report for	Zaimery Election .	C General E ection	======	ne Senera	-	sec + "unof" erc
	Si	MMARY OF RECEIPTS	AND EXPEND	UTURES	-	
		Figures may be rounce				ente testa magnificació i estable
5 Careing Period	10/78 Through	4/21/75	•	Column A The Period	Park Horsey	Calumn à Calencar Year-7a
6 Cash on hand January 1	.19				3	241,551.01
7 Cash on hand at beginn	ne of reporting period		\$ 1	125.050.93		
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ial Sectoral Acquires				560,057.13	5	776,527,21
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All previous versions of FEC FCRM 3 are obsciete and should no longer be used.

h

# OF CANDIDATE OR COMMITTEE

PROM: 3/10/78 TO:

TO: 4/21/78

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Contributions from Individuals find uping contributions in-limits	Annerson according	12-15 AV 15-15
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'b) Unitemized		and the state of
(c) Saves and collections included above:		14 7 3 3 5 3 7 1 5 T L. F.
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tal Funds from alf listed/authorized committee (Itemize on Schedule A	130	Are the first
recordess of amount)		12.0
'b) Funds from other committees (Itemize on Schedule A regardless of amount), : .		
le: Contributions in sind from political committees	1	Later to the second
ilternize on Schedule A regardiess of amount!		- F
(d) Suprotal of transfers in and contributions in-lund from political committees		
Other income.		
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151 Unitermited	.   5	Land Carrier of
'c! Sucretal of orner income		A STATE OF THE STA
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C. Substant of which where returns of property		
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), "ota Pece-011,	. \$ 434,976.20	\$ 534,976.20
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- rail Itemizes, ide Schedule 81	6.03	
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1. Lisers, Liser Pessyments, and Contribution Refunds Made:		1
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DI Unitamitte		. 550,000.00
ci Suprora, of loans and 'can receviments made and contribution refunds	5 330.000.99	. 5 330,000.00
2. Transfers Dut to Rovincel Committees:	7	
'a) To efficient authorized committee citemize on Schedure B regardess	1	
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1. Net Peccion Subtract line 27 from line 25)	. 5	1
L. Net Peccion Superact line 27 from line 25)	. 5	

rection Commission

## Contributions, Ticket Purchases, Leans, Rebates, and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3

LINE NUMBER 14 (a)

(Use separate schedulpfs) for each numbered line)

Anthony Robert Martin-Trigona Box 11204 Chicago, Illinois 60611	SEE APPENDIX "A"	Date (month, day, year)	Amount of secretary this per
Chicago, Illinois	Occupation Investor (candidate)  Z Creck / Controutor is self-employed Aggregate Year-to-date		
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each
Principal place of business	Creck if Controutor is self-employed  Appropriate Year-to-date S		
Fig. Name, mailing address and ZiP code		Date imonth, day, year)	Amount of each
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Full Name, mailing address and ZIP code		Date Imonth, Iday, year)	Amount of sac receipt this per
Principal place of business	Cress / Contributor is sefence and		

Je B

3

of Election Commission K Street, N.W. mangton, D.C. 20443

# Itemized Expenditures

Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

(see featructions on book)

4 1 a 2 to

LINE NUMBER \_\_ 20a\_

fillse separate schodule(s) for each numbered line)

Full Name, making address and ZIP code	Purpose of Experiences	Dese Smooth,	Amount of each expend-
WBBM 630 N. McClurg Ct. Chicago, Ill. 60611	Advertising	3/13/78	1,311.60
WLOO 875 N. Michigan AV	Purpose of Expenditure	Date (month, day, year)	Amount of each expendi- ture this period
Chicago, Ill. 60611	Advertising	3/13/78	357.00
full hame, maring appress and ZIP coop	Purpose of Expenditure	Date (month, day, year)	Amount of each expend-
WCLR	4	(a), 14.	104 113 11 22
4849 Golf Road Skokie, Ill. 60076	Advertising	3/13/78	153.00
WLAK	Furnish of Expenditure	Date fromth, Gay, years	Amount of each, expenditure this period
875 N. Michigan Av. Chiacago, Ill. 60611	Advertising	3/13/78	167.00
The Sentinel Magazine	Purpose of Expenditure	Sate Imports, See, seer!	Amount of each expension ture this period
323 S. Franklin Chicago, Ill. 60606	X vertising	3/11-12/7	78 381.78
Audio Mixers	Purpose of Expendicure -	Dere Impnin, Say, Veerl	Amount of each expend ture this period
740 N. Rush St. Chicago, Ill. 60611	Recording tapes	3/10/78	50.00
WBBM-TV	Purtition of Expenditure	Date (month, der, year)	Amount of each expenditure this period
630 N. McClurg Ct. Chicago, Ill. 60611	Advertising	3/17/78	2,890.00
Full Name, mailing address and ZIF code	Fundament Expenditure	Care Imonth,	Amount of each expenditive the period
WLS-TV	i	Signature of the second	1
190 N. State Chicago, Ill. 60601	Advertising	3/17/78	2,545.75
Subtotal of expenditures this page (cottonal)			\$ 7,856.13

,ule B ,76 ,al Election Commission ,75 K Street, N.W. vashington, D.C. 20463

# Itemized Expenditures Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

fem Instructions on both

Page 2 of \_\_\_\_ 2 for

LINE NUMBER \_\_\_\_\_ ZOA

(Use moorate schedule(s) for each

ILLINOIS DEMOCRATIC CAMPA			
WMAQ-TV Herchandise Mart Chicago, Ill. 60654	•	3/17/78	Amount of each expende ture this period
WTVO-TV Meridian Rd. Box 470 Rockford, Ill. 61105	Advertising	Date (month, day, year) 3/20/78	Amount of each expend ture the period 325 - 00
Anthony Robert Martin-Trigona Box 11204 Chicago, IL 60611	Repay/cancel line oc credit	Deta (month, day, year) 4/78	Amount of each expend ture this period 550,000.00
Fuil Name, mailing address and ZIP code	Purpose of Expenditure	Dete (month, Gay, year)	Amount of each expend sure this period
Full Name, making appress and ZIP code	Furpose of Expenditure	Date (month, day, year.	Amount of each expro- ture this period
Fu: Name, making appress and ZIP code	Purpose of Experience	Date Imports	Amount of each expentance this period
Full Name, mailing actives and ZIP code	Paper of Expression	Date (month, day, year)	Amount of each dispen- ture this period
Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month, day, year)	Amount of each expenture this period
Subtotal of ax penaltures this page (optional).		-	1

### 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 commission.

Now, at the conclusion of the election, with candidate having been unsuccessful, there is no hasis 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.



### 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 cut 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 <a href="Bill Coppel">Bill Coppel</a> in our Reports Analysis Division on the toll free number (800)424-9530. Our local number is (202)523-4048.

Sincerely,

Olars B. Poter.

Orlando B. Potter Staff Director

Attachment FEC Form 12



### 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 30-1 AND EXPENDITURES COVERING THE PERIOD 3/10/78 PURSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT C A review of the report indicates that additional information is	THROUGH 4/21/78 DF 1971, AS AMENDED.
return a copy of this form with your amended submission(s).  Please provide the required data, as indicated (x):	
X Coverage Dates — omitted or X incorrect	
_X Signature X omitted or incorrect	
Summary Page Line(s) Column(s) Totals omitte	ed or incorrect
Detailed Summary (Page 2) Line(s)Column(s) Total	ls omitted orincorrect
Schedule Totals disagree with Detailed Summary (Page 2	2) or omitted
Date(s) omitted or inadequate for Schedule(s) I	Line(s)
Full Name(s) Omitted for Schedule(s) Line(s)	
Mailing Address(es) omitted or inadequate for Scheo	dule(s) Line(s)
Occupational Descriptions omitted or inadequate fo	
Principal Place(s) of Business omitted or inadequate	
Aggregate Year-to-date Totals omitted or inadequate	
Nature or Purpose of Expenditureomitted orinadec	
Nature or Purpose of Receipt omitted or inadequate	
Inadequate Description of proceedsdatesevents X Other: Please see page two.	slocation of Schedule
— Valet.	

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.

> FEC FORM 12 (Revised April 1977)

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.

### REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

AT ATLAN	ATTENTION: Suzanne Callahan STAFF DIRECTOR 6.4.	COMPLIANCE REVIEW Carroll Bowen
FROM:	ASSISTANT STAFF DIRECTOR FO	OR REPORTS ANALYSIS & Julia T. Harelland
MUR No.		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

<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

<sup>\*\*</sup>INFORMATION, or RESULTS OF RAD ACTION, as appropriate.



### FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON,D.C. 20-163

(ADDRESSESS)

Dear			
Deal		 	_

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.

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 Reffrey Receipt Requested: Certified

December 3, 1976

FROM:

RE:

MARJORIE EMMONS MUE 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.

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

	_1. John R. Rarick Congressional Campaign Committee (Lousiana) Miscellaneous report-
	2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General
	-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-
	<ol> <li>TransportWorkers Political Contributions Committee (New York) October Monthly (C00008268)</li> </ol>
	-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 (Galifornia) -NON-REGISTERED
	18. Coles County Republican Central Committee (Illinois) May 10 report of Citizens for
3	(C00068551)  Reagan  19.Grabow for Congress Committee (Ohio) October 10-
	20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10
	(C00047670)  21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election
(22.)	(C00053405) Ed gadix for Congress Committee (Georgia)October 10 report
	23. Green for Senate Committee (Penn.) October 10 Quarterly (C00033522)



### FEDERAL ELECTION COMMISSION

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

(ADDRESSEE)			15	
Dear	· .		**	. 5
	ee raised problem	eceipts and s under sect	Expenditures	filed
As of this	Election Campaign date, however, w ure to respond gi may have committe	e have receives the Com	ived no responsion reason	onse from
The Commis you have had a This response s days of receipt	sion intends to t reasonable opport hould be mailed t of this letter. to contact	ake no action unity to resolution the Commis	on against you spond to this ssion within any question	ou until s letter. ten (10) ons, please
		Sincerely		
ē		Commissio	oner	



18 DEC. 27 A8: 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

TYPE UF REPORT	SENT.	ST NOTICE DUE	RESP.	SENT	DUE	RESP.	SENT	DUF	RESP.
10-Day	11/12.	1/27		12-37c	12-19-76				
OVAY.	7"			12/21/26	dela	12/22	1		
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ADMISS	REMARKS			REMARKS			REMARKS		
	PATREMOUR C			RESE	AT Adda	25.27			
	120			CHANG	TO Adda	176			
YPE OF REPO	RT								
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	7						1		
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RAS(D) #	REMARKS	-		REMARKS				2	
RAS(D) #	REMARKS			REMARKS				2	

Indicate type of mail Affix stamp here if issued as certificate of mailing or for additional copies of this bill POSTMARK AND DATE OF RECEIPT ame and □REGISTERED □ REGISTERED Address CERTIFIED f Sender NUMBER OF VALUE HANDLING CHARGE NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS PUSTAGE REMARKS\* 7 OTAL NO OF PIECES ASTED BY SENDER TOTAL NO OF PIECES REC'D AT P.O. "Show under "Remarks" class pastage paid if other than first or if international POSTMASTER. PER (Name of receiving employee) APPLICATION FOR REGISTRATION OR CERTIFICATION Form MII. Jan. 1972 (landling charges are not required on international registered mail)

For S. C. Common March of French Martin Commun.



### 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

FROM:

TOM HASELHORST

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.

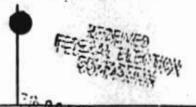


REPORTS ANALYSIS REFERRAL	SHEET	D #
Date	nalyst Bob	Pease
T	eam ChiefCra	lg Crooks
TO: William Oldaker C	ompliance Revi	ew CB
THROUGH: Staff Director		
FROM: Assistant Staff Director for Rep	orts Analysis	
DESCRIPTION:		
Candidate/Committee Illinois Consumers For	Carter/Mondale	
Treasurer Mr. Joel Joseph	*	
Address One IBM Plaza, Suite 2901A, Chicago, IL	60611	
REPORTS: (For reports reviewed, amendment Attachment 1)	s, RFAI's, etc	, see indices
Period Covered from 10 Day pre-election repor	t txx - general ele	ection 1976
Total Receipts \$ 5000 Total	Expenditures \$	1248.80
Cash on Hand \$ -0- De	bts \$ -0-	
REASON(S) FOR REFERRAL:		
Allegation(s)	Cite	Attachmer
This concerns an excessive loan, later changed	110.(h)	A
to a contribution, from a single candidate	_ 12	В
unauthorized committee. The contribution exceeds	A0R-1976-20	С
the \$1000 limitation on such committees.		
	_	_
	-	
	-	-
HISTORY:		
The first report filed by this committee, the 10 c		
general election, contained two loans aggregating		
Trigona - \$1000 on 10/1/76 and \$4000 on 10/13/76.		
on the termination report filed by this committee	. This loan/contr	ibution
was made subsequent to AOR-1976-20 and therefore	is a violation of	that
opinion and of 110.1(h).		

C

ection Commission rest, N.W. n, D.C. 20463

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



lote: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one effection for maintain separate

		. 10			
1(a) Name of Candidate or Committee (in full)   Check if name or address is change	d 2 Identification Number				
ILLINOIS CONSUMERS FOR CARTER/MONDALE	G00065920 C	Q00065920 C99000085			
		XI Yes D No			
ONE IBM PLAZA, SUITE 2910A	(b) If "Yes," for which ele	on Nov 2,197			
Chicago, Alarnois 60611	(general, primary, rur				
4 Type of Report (Check appropriate box and complete, if applicable)  (a) Amendment For	Nov 2 in the State of	(Month)			
(i) I Thirtieth day report following election (primary, general or convention)	onin the State of	F-121			
Candidate or Committee Summary of	Receipts and Expenditures				
Section A - Cash Balanca Summary	Column A This Period	Column B Calendar Year-To-Date			
6 Cast on hand January 1, 19	a fighter to a	s None			
7 Cash on hand at beginning of reporting period	s None	San Contraction of the Contracti			
8 Total receipts (from line 19)	s 5000,00	s 5000.00			
(a) Subtotal (Add lines 7 and 8)	s 5000.00	s 5000.00			
S Total expenditures (From line 25)	s 1248.80	s 1248.80			
Cash on hand at close of reporting period (Subtract line 9 from line 8)	s 3751.20	s 3751.20			
Contributed items on hand to be liquidated (attach itemized list)	s	7-14 FIRE 30			
Section B - Presidential Campaign Expenditures Subject to Limitation - Sur (To Be Used Only By Presidential Candidates Receiving Federal Funds					
2 Operating expenditures (from line 20)	s	s			
3 Refunds and Rebates (from line 17)	ss	<mark>s</mark>			
4 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	s	s			
(b) Expenditures from prior years subject to limitation		s			
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		s			
JOEL D. JOSEPH	the is true, correct and complete.	-20-76			
(Typed Name of Treasurer or Cendidate) . (Signature of Treas	urer of Candidate)	(Date)			
Note: Submission of false, erroneous, or incomplete information may subject the per § 441; (See reverse side of form)	son signing this Report to the penalties of	2 U.S.C. § 437y or			
1323 K Struct, N.W.	ted herein may not be copied for sale or u ons or for any commercial purposa,	se by any person for purposus			

Form 3 1976 eral Election Commission 5 K Straet, N.W. Inlington, D.C. 20463

## 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	
15 Contributions and other Income:	311	50000000	
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	12	<b>心脏的</b>	
(c) Sales and Collections Included Above:	1		
List by event on memo Schedule D (\$)	1	<b>对新兴工作</b>	
(d) Subtotal of contributions and other income		•	
16 Loans and Loan Repayments Received:	EACSONS CONTRACTOR	Triver and	
(a) Itemized (use Schedule A)	\$50.00.00	71.65.27	
(b) Unitemized		A 440 F	
(c) Subtotal of loans and loan repayments received .		HANDER C	
[1] : 사람들이 집 경향 전 경향 시간하는 경험 경험을 가고 하는데 있는데 하는데 하면 이 그렇게 하면 하는데	2000.00	\$ 5000.00	
17 Refunds, Rebates, Returns Received:	KILL FRENCH CONT.		
(a) Itemized (use Schedule A)		F-50785.	
(b) Unitemized	The same of the sa	11.500.000	
(c) Subtotal of refunds, rebates, returns	\$	\$	
18 Transfers In:	的现在分词 艾克克夫	4 T-1	
(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	Market Co.	3000.00	
20 Operating Expenditures (Committees Not Receiving Federal Funds Include Fundraising, Legal and			
Accounting Expenditures):	Allerman 19 11 11	1	
(a) Itemized (use Schedule B)	\$	1	
(b) Unitemized		No. 1 Village of Post Control	
(c) Subtotal of operating expenditures	\$ 121.80	121.80	
21 Independent Expenditures (use Schedule F)	s 1127.00	\$ 1127.00	
22 Loans, Loan Repayments, and Contribution Refunds Made:	1400		
(a) Itemized (use Schedule B)	\$	3	
(b) Unitermized	\$		
(c) Subtotal of loans and loan repayments made and contribution refunds	3	\$	
23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting Expenditures:			
(a) Itemized (use Schedule B)	\$	1	
(b) Uniterrized	\$		
(c) Subtotal of fundraising expenditures	\$	s	
24 Transfers Out:	Table Attacks		
(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			
	-	1	
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		3	
28 Total Receipts (from line 19)	\$ 5000.00		
28 Total Receipts (from line 19)		1 .	
30 Net Receipts (Subtract line 29 from line 28)	네를 잃었다. 아이들에 가게 하지 않았다. 이 성지 않아 하나 있다.		
31 Total Expenditures (from line 25)	\$ 5000.00 \$ 1248.80	1	
32 Transfers out (from line 24(a))		1	
33 Net Expenditures (Subtract line 32 from line 31)			
ce and experiments beginning making at 17800 mile with a first and a first a first and a first a first and a first		1	

K Street, N.W. hington, D.C. 20463

# 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)

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)	Amount of each receipt this period \$1000.00
incipal place of business	Occupation	10-13-76	\$4000.00
Same as above	self-employed	- 3	
	Check if Contributor is self-employed	1 2	
ull Name, mailing address and ZIP code	Aggregate Year-to-date \$ 5000.00	Date (month,	Amount of each
of testic, iteming sources on the		day, year)	receipt this period
incipal place of business	Occupation		
	☐ Check if Contributor is self-employed	1 1	
	Aggregate Year-to-date		
ull 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	1 1	
	Aggregate Year-to-date	1	
incipal place of business	Occupation  Check if Contributor is self-employed	day, year)	receipt this period
	Aggregate Year-to-date > \$		
ull Name, mailing address and ZIP code	23	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
	Occupation	1	
rincipal place of business	occupation.		
rincipal place of business	Check if Contributor is self-employed	-	

derai Election Commission 325 K Street, N.W. shington, D.C. 20463

## Itazed Independent Expendit. es for Line 21 F.E.C. Form 3

		(See reverse side for instruction	ne)		tille like	
Name of Candidate or Committee in ILLINOIS CONSUM	AN HOLD TO SERVICE	CARTER/MONDALE		Id. No.	5920	
ONE IBM Plaza, Suite 2910A, Chicago, Illinois 60611			Is This a Separation FEC Form	Is This a Separate Report by a Committee Fill on FEC Form 3A?NO		
Itemize expenditures which exceed, i	n the aggregate, \$	100 within a calendar year				
Full Name, mailing address & of Each Payee	ZIP Code	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidat supported or opposed by ti expenditure & office sough	
WICA MIDWEST TELE Champaign, Illino 6182	is	TV time and production	Oct. 14, 1976	\$1127.00	James Carter Walter Mondale	
		215				
		×				
(a) Subtotal of Itemized Independen				1127.00		
(c) Total Independent Expenditures				s	1127.00	

in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

My Commission Expires

#### ANTHONY R. MARTIN-TRIGONA

SEP 6 AH 9: 36HICAGO, ILLINOIS GOGII

September 1, 1977

PLEASE REPLY TOOne 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

## Delaware Volunteers For Reagan

1.17: 37 15 May 1976

Bettye Arnold

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

Charles Breecher

Dear Er. Spiegel,

了C#610 AOR 1976-20

William Felty

Judy Blankinship

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 Fresident 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. PREECHER

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

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



## FLDI RAI FLECTION COMMISSION

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

17 AUG 1976

Pe: 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/

<sup>1/ &</sup>quot;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 atributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general te a committee within the definition of \$431(d) that is ither an authorized candidate committee nor a committee tablished by a national party, may accept contributions om any one person not in excess of \$5,000 per calendar are and any contribution from an individual would be applied ainst his or her \$25,000 annual contribution limitation attained in 2 U.S.C. \$441a(a)(3). However, under the roumstances discussed below, donors to your committee will regarded as making contributions to the single candidate provided by your committee and thus subject to the \$1,000 mit in 2 U.S.C. \$441a(a)(1), or \$5,000 if the donor is a atified multi-candidate committee, 2 U.S.C. \$441a(a)(2).

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

The above statutory provisions were designed to enforce he limitations on contributions upheld by the Supreme Court in Buckley by closing loopholes that would otherwise allow contributor to give his maximum permissible contribution irectly to a candidate, and then indirectly contribute dditional 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" 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.

<sup>2/ &</sup>quot;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. 5441a(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



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

THIS IS THE BEGINNING OF MUR # 658

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

Cameraman SPC



## FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 658

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

FEDERAL ELECTION COMMISSION WASHINGTON,D.C. 20463



POSTAGE AND FEES PAID



CLAIM CHECK NO

Diene

Mr. Anthony R. Martin-Trigona c/o Lucien Marcoux 724 Ridge Road Middleton, CT 06457 3/3/71

3-13-1

CATEGORY TO AN INC.

20

Complete tems 1, 2, and 3 Add your address in the gun RETURN TO space on reverse The following service is requested: check one! Show to whom and date delivered c Show to whom, date, and address of delivery ¢ RESTRICTED DELIVERY Show to whom and date delivered ¢ RESTRICTED DELIVERY RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED Snow to whom date and address of delivery \$ CONSULT POSTMASTER FOR FEES ARTICLE ADDRESSED TO 3 ARTICLE DESCRIPT 5% REGISTERES NO CENT FED NO NSUPED NO (Always obtain signature of addressee or agent) Physician ergo-jitta veta la la control districa SIGNATURE Attitudes Authorized agent DATE OF PELIVERY 4 ADDRESS .... a phate of the season as ERKS INITIAL



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

William C. Oldaker General Counsel

Enclosures

0

#### 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.
- 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:

Date

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

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	79 FEB 9	P12: 34
Illinois Consumers for Carter/Mondale, and	)	MUR 658	
Anthony R. Martin-Trigona	j		

### 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

0

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.

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.

2/8/19 Date

William C. Oldaker General Counsel

Attachments

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



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:

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Sincerely,

William C. Oldaker General Counsel

Enclosures

C





1325 K STREET NAV WASHINGTON, D.C., 20463

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Enclosures



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

February 16, 1979

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

February 16, 1979

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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 2. Oldaker General Counsel

Enclosures



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#### 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.
- 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:

Dato

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

Pebruary 9, 1979

MEMORANDUM TO: Marge Emmons

PROM: Rlissa 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.

#### 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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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.

2/8/19 Date

William C. Oldaker General Counsel

Attachments

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



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





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

#### 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. §44la 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.
§44la for accepting and retaining those funds.

## Background

C

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. \$44la, and authorize the filing of a civil action.

12/79 Date

William C. Oldaker General Counsel

## FEDERAL ELECTION COMMISSION WASHINGTON 20463

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Mr. Anthomy . Martin-Trigona P.O. Box 11204 Chicago, IL 60611 POSTAGE AND FEES PAID



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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

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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. §44la 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 §44la(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

# BEFORE THE FEDERAL ELECTION COMMISSION August 21, 1978

In the 1	Matter	of	)			
			)	MUR	658	(78)
Anthony	Martin	n-Trigona	a )			

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### 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 marties hazein, the Enders! Election Constitution and Europeandent Anthony Martin-Trigona having duly entered into conditioning pursuant to \$4379(x)(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 in-
- 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 parseant to 2 U.S.C. \$437g(a)(b)(.).
- 177. Respondent agrees that he will not undertake any activity which is in violation of the Pederal Election Campaign Act, 2 U.S.C. 5431, et seq.

### GENERAL CONDITIONS

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- 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

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:	General	C. Oldaker Counsel Election Commission
DAYER:	Anthony	Surfin-Triopa

FEDERAL ELECTION COMMISSION WASHINGTON, D.C. 20463

SENDEN DECEMBER

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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

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#### FEDERAL ELECTION COMMISSION

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

November 3, 1978

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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. §44la 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 §44la(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 2 - 1-1

Personal Property

Enclosure

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Conciliation Agreement

## BEFORE THE FEDERAL ELECTION COMMISSION August 21, 1978

In the	Matter o	of	)			
			)	MUR	658	(78)
			)			
Anthony	Martin	-Trigor	na)			

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### 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. 5141a:

Now, therefore, the respective marties hersin, the Pederal Election Commission and respondent Anthony Martin-Trigona having duly entered into conciliation pursuant to \$4379(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:
- - 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.E.C. \$437g(a)(6)(c).
- III. Projoudent agrees that he will not undertake any activity which is in violation of the Federal Election Companies Act, 2 U.S.C. \$431, et seq.

#### GENERAL CONDITIONS

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- 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

and the Commission has approved the entire agreement.

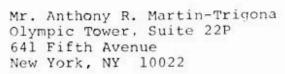
III. It is agreed that respondent Anthony Martin-Trigona shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

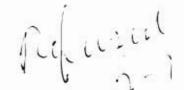
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- DATE:	Anthony Murtin-Trigona

### EDERAL ELECTION COMMISSION VASHINGTON,D.C. 20463















### 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





### FEDERAL ELECTION COMMISSION

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

November 3, 1978

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### 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. §44la 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 §44la(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

## BEFORE THE FEDERAL ELECTION COMMISSION August 21, 1978

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

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### 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 worther hardin, the Federal Election Consission and respondent Anthony Martin-Prigona having duly entered into conciliation parsonnt to \$437g(s)(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:
- - 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 4 000 pursuant to 2 0.5.C. \$437g(a)(b)(c).
- III. Respondent agrees that he will not undertake any activity which is in violation of the Poderal Election Company Act, 2 U.S.C. \$431, et seq.

#### GENERAL CONDITIONS

C

- 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.
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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.

	William C. Oldaker General Counsel
	Federal Election Commission
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FEDERAL ELECTION COMMISSION
VASHINGTON, D.C. 20463

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P8 Form 3849-A July 1977 Mr. Anthony W. Martin-Trigona 219 East Lakeshore Drive Chicago, IL 60611

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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 219 East Lakeshore Drive Chicago, IL 60611

RE: MUR 658(78)

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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





### FEDERAL ELECTION COMMISSION

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

November 3, 1978

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### CERTIFIED MAIL RETURN RECEIPT REQUESTED

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

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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

## BEFORE THE FEDERAL ELECTION COMMISSION August 21, 1978

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

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### 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 partits hardin, the Federal Election Commission and respondent Anthony Martin-Trisona having duly entered into conciliation pursuant to \$4379(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:
- - 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.
- 11. That respondent will pay a civil penalty in the amount of \$1000 pursuant to 2 U.S.C. \$437g(a)(6)(a).
- 171. Respondent agrees that he will not undertake any activity which is in violation of the Pederal Election Campaign Act, 2 U.S.C. \$431, et seq.

#### GENERAL CONDITIONS

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- 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

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
DAGE:	Anthony Martin-Trigona

V.

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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).

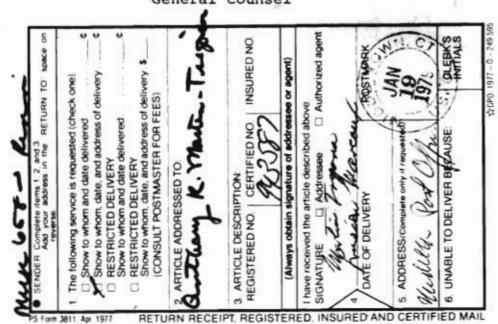
If you decide to comply with the terms of the enclosed conciliation agreement, or if you have any questions, please call Scott Rinn, the attorney assigned to this matter at (202) 523-4000.

Sincerely

William C. Oldaker General Counsel

Enclosures

Letter Concili







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, Sincerely,

Enclosures

Letter Conciliat SENDER Condetee ferms 1, 2, and 3

The following service is requested (check one)

Show to whom and date delivered

Show to whom and date delivered

RESTRICTED DELIVERY
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ARTICLE DESCRIPTION:

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TERED, INSURED AND CERTIFIED.





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

January 16, 1979

ED, INSURED AND CERTIFIED MAIL

### CERTIFIED MAIL RETURN RECEIPT REQUESTED

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

PS. Form 3811, Apr. 1977

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.

Since rely,

William C. Oldaker General Counsel

SENDER Complete terms 1.2 and 3 actuan 10 scace or consistence terms 1.2 and 3 actuan 10 scace or consistence terms 1.2 and 3 actuan 10 scace or consistence terms 1.2 and address of delivery can to whom and date delivered address of delivery can to whom and date delivered address of delivery can to whom and date delivered address of delivery can to whom date, and address of delivery can to whom date, and address of delivery can be an address of address or again the can be an address of again the can be addressed or again to the can be addressed to the can be addresse



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





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





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

January 16, 1979

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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





## 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 Z. Oldaker General Counsel

Enclosures

Letter Conciliation Agreement





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# FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO:

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.



# FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO

FROM:

DATE:

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SUBJECT:

MARJORIE W. EMMONS AND E 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 Sumons

PROM: Rlissa T. Gar:

SUBJECT: MUR 658

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

Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION

76 DEC 4 P5: 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. §44la 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. §44la 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.1/

<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.

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.

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William C. Oldaker General Counsel



# FEDERAL ELECTION COMMISSION

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

8 December 1978

#### MEMORANDUM

TO:

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Jane

FROM:

Suzanne SW C

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.

Mek 658-Add your address in the HETURN TO space on 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 RESTRICTE D DELIVERY Show to whom, date, and address of delivery \$ CONSULT POSTMASTER FOR FEES! ARTICLE ADDRESSED TO anthony R. Martin Tresona 219 Fatt Lakestone Unive Chisino Oll. 40611 3. ARTICLE DESCRIPTION CERTIFIED NO INSURED NO REGISTERED NO (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:

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RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAI

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CLERK'S INITIALS

☆GPO 1977-0-249-595

FEDERAL ELECTION COMMISSION 1325 K STREE

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WASHINGTO

2NO NOTICE

Detached from PS Form 3849 A July 1977



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



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# 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 \$44la(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.

-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  $\infty$ Conciliation Agreement

# BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In	the	Matter	of	)			
				)	MUR	658	(78)
				)			
Ant	hony	Martin	n-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 marties herein, the Pederal Election Commission and Lempondent Enthony Martin-Trigona having duty entered into conciliation pursuant to \$437g(a)(5), do heldby 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.
- Fig. That respondent will pay a civil ponalty in the amount of \$1000 pursuant to 2 U.S.C. \$437g(a)(6)(E).
- 111. Perpondent agrees that he will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. 5431, et seq.

#### GENERAL CONDITIONS

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- 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

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:	
And the same of th	Anthony Nactin-Trijona

#### BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)			
UN 247 (240) 2.74	)	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:

- Find reasonable cause to believe that Mr. Anthony Martin-Trigona has violated 2 U.S.C. §441a.
- 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 Secretary to the Commission

marjane W. Emmons

Received in Office of Commission Secretary: 10-30-78, 1:22 Circulated on 48 hour vote basis: 10-31-78, 4:00

October 30, 1978.

MEMORANDUM TO: Marge Bences

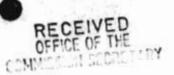
PROM: Blissa T. Garr

SUBJECT: MUR 650

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

Thank you.

790401148



#### BEFORE THE FEDERAL ELECTION COMMISSION

78 OCT 30 P1: 22

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

#### GENERAL COUNSEL'S REPORT

# Background

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. §44la and send the attached notification and conciliation agreement to respondent (Attachment NI).

16/27/28 Date

William C. Oldaker General Counsel

My Lee

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# ATTACHMENTS

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o د I Letter from respondent committee dated September 15, 1978

II Letter from respondent dated October 14, 1978

Notification letter and conciliation agreement to be sent to respondent.

JOEL D. JOSEPH
ATTORNEY AT LAW
BUITE 1010
1712 EYE STREET, N.W.
WASHINGTON. D.C. 20008

(202) 338-8560 (202) 338-5492 PLOER LEVEL CTION

13 SEP 21 14 S: 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 44la(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 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 Pederal Election Commission 1325 K Street, N.W. \* Washington, D.C. 20463

Dear Lan,

6 %

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 trustthat this charifies the matter.

Sincerely yours,

fi. togeth

JOEL D. JOSEPH

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

> (202) 338-8560 (202) 336-5492

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

THE PROPERTY.

## SNY ROBERT MARTIN-TRIGONA

ri oglati, i Leono . T

October 14, 1978

178 001 12 A. SBOX 1204 CHICAGO, ILLINOIS COGII

Mr. William C. Oldaker General Counsel Federal Election Commission 1325 K Street NW Washington, DC 20463 807623

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

Dear Mr. Oldaker:

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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, mince 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 extorion 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 MARTIN-TRIGONA

ARMT:sp





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# FEDERAL ELECTION COMMISSION

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

# 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 §44la(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.

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	)			

100

# 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.

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: 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. C. GENERAL CONDITIONS 0 I. The Commission on request of anyone filing a complaint under 2 U.S.C. §437q(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



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
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esj•		
DATE:		
-		Anthony Martin-Trigona



# 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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# 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 <u>Buckley</u> v. <u>Valeo</u>, 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)).

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The above statutory provisions were designed to enforce the limitations on contributions upheld by the Supreme Court in <u>Buckley</u> 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 <u>Buckley</u>. 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" 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. 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>quot;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

5007

# ANTHONY ROBERT MARTIN-TRIGONA

FIDE ALLECTIO

October 14, 1978

178 OCT 18 M 980% 1204 CHICAGO, ILLINOIS 60611

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:

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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 extorion 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 MARTIN-TRIGONA

ARMT:sp

BOX 11204 AGO: ILLINOIS 60611





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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

FROM:

MARJORIE W. EMMONS TO BE OCTOBER

DATE:

9

0

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.

September 29, 1978

MEMORANDUM TO: Marge Rumons

PROM: Elissa T. Garr

SUBJECT: MUR 658

Please-have the attached Interia Conciliation Report distributed to the Commission. Thank you. RECEIVED OFFICE OF THE

### BEFORE THE FEDERAL ELECTION COMMISSION September 27, 1978

78 SEP 29 PI2: 24

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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. §44la 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 \$44la 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.

William General Counsel JOEL D. JOSEPH

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

> (202) 338-8560 (202) 338-8402

PEDERAL ELECTION

'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 44la(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 ATTORNEY AT LAW **SUITE 1010** 1712 EYE STREET, N.W. WASHINGTON. D.C. 20006 (202) 338-6560 (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, c.c. Federal Election Commission

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

Dear Lan,

8

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

I trustthat this charifies the matter.

Sincerely yours,

Joel fr. Joseph

OEL D. JOSEPH
ATTORNEY AT LAW
SUITE 1010
1712 EYE BTREET, N.W.
VASHINGTON, 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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# BEFORE THE FEDERAL ELECTION COMMISSION

August 21, 1978

In	the	Matter	of	)			
				)	MUR	658	(78)
				)			
Ant	hony	Martin	n-Trigona	a )			

### 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.

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

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. William C. Oldaker General Counsel Federal Election Commission DATE: Anthony Martin-Trigona



### 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. §44la(a)(l)(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. §44la(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 §44la 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).

William C. Oldaker General Counsel

Enclosure

CERTIFIED MAIL SETURN RECEIPT SEQUESTED Joel Joseph, Esquire Illinois Consumers for Carter-Mondale 1712 I Street, N.W. Washington, D.C. Dear Mr. Joseph: Commissions eview of the reports filed by the Illinois Consumers for Carter-Mondale (The Committee) indicate that in Ogtober 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. Comtributions 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 Blection Campaign Act which allow the Commission to determine there is reasonable cause to believe that a violation has occurred and to enter into a condiliation 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 centact Suzanne Callahan (202/523-4058). Sincerely, William C. Oldaker General Counsel Enclosure

# BEFORE THE FEDERAL ELECTION COMMISSION August 20, 1978 In the Matter of MUR 658 (78) Illinois Consumers for Carter-Mondale, and ) Joel Joseph, Treasurer 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 de-
  - 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.

monstrate that no action should be taken in this matter.

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

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. §44la.
- 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)(l) 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 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:	
DATE:	Joel Joseph
DATE:	Joel Joseph Treasurer Illinois Consumers for Carter-Mondale

#### 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:

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

Joyce E. Thomann Recording Secretary

Secretary to the Commission

DATED: August 31, 1978

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### FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELF

FROM:

MARJORIE W. EMMONS

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

43 HOUR TALL CHEET



# EXECUTIVE SESSIO 30 AUG 1978



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20463 78 AUG 27 PIZ: 19

91,00

Date and Time Transmitted: August 25 1978 -

Commissioner Merran
RETURN TO OFFICE OF COMMISSION SECRETARY BY: AUGUST 29. 1978 -
MUR No. 658 - General Counsel's Report dated 8-23-78
( ) I approve the recommendation ( ) I object to the recommendation
Joel Joseph. Couldn't this be dealt with as a reporting violation (i & individual insignment Expenditive
Joel Joseph. Couldn't this be dealt with as
a reporting violation (i a individual insigning
Expenditive"
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 ITE! ON THE EXECUTIVE SESSION AGENDA.



SEMORARDUM TO: Marge Empons

PROMIT Blissa 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.

### BEFORE THE FEDERAL ELECTION COMMISSION

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

### GENERAL COUNSEL'S REPORT

### 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

from an individual, as set forth in §44la(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. §44la(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. §44la(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. 1/ (11 C.F.R. 110.1(h))

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

Therefore, it appears that Mr. Martin-Trigona has exceeded the contribution limitations set forth in \$44la by \$4,000 and the Illinois Consumers for Carter-Mondale has accepted and retained a contribution in violation of \$44la.2/

### III. RECOMMENDATION

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

Date /

William C. Oldaker 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 )

MUR 658 (78)

Illinois Consumers for Carter-Mondale, and )

Joel Joseph, Treasurer

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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

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). 0 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

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 8 DATE: 2.45 Joel Joseph Treasurer Illinois Consumers for Carter-Mondale \_ \_ — с C 1

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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. §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.

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. 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. c = §431, et seq. C GENERAL CONDITIONS 0 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

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 C 6 1



### 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. §44la(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. §44la(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 §44la 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



### 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. §44la(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. §44la(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

P-131

ATTACH MENT I



### FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 220463

June 20, 1978

### MEMORANDUM

TO:

GAIL ROSS, OFFICE OF GENERAL COUNSEL

THROUGH:

ORLANDO B. POTTER, STAFF DIRECTOR

FROM:

TOM HASELHORST

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.



Jate An.	alys Bob F	ease
To.	am Chief _ Craig	Crooks
TO: William Oldaker Con	mpliance Revie	w _CB
THROUGH: Staff Director .		
FROM: Assistant Staff Director for Repo	rts Analysis	
DESCRIPTION:		
Candidate/Committee Illinois Consumers For C	Carter/Mondale	
Treasurer Mr. Joel Joseph		
Address One IBM Plaza, Suite 2901A, Chicago, IL	60611	
REPORTS: (For reports reviewed, amendments Attachment 1)	**************************************	see indiccs
Period Covered from 10 Day pre-election report	txw - general elec	tion 1976
Total Receipts \$ 5000 Total E	xpenditures \$ 1	248.80
Cash on Hand \$ -0- Deb	ts \$ -0-	
REASON(S) FOR REFERRAL:		
Allegation(s)	Cite	Attachmen
This concerns an excessive loan, later changed	110.(h)	_A
to a contribution, from a single candidate		В
unauthorized committee. The contribution exceeds the \$1000 limitation on such committees.	A0R-1976-20	<u>c</u>
HISTORY:		
The first report filed by this committee, the 10 da	ay report preceed	ing 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/contr	ibution '
was made subsequent to AOR-1976-20 and therefore is	s a violation of t	that
opinion and of 110.1(h).		

C

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5 K Street, N.W. hington, D.C. 20463

### Report of Receipts and Expenditures' Candidate or Committee Supporting any Candidate(s) for **Homination or Election to Federal Office**



Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more records with respect to each election. 1(a) Name of Candidate or Committee (in full) 
Check if name or address is changed 2 Identification Number 000066920 6990000 85 ILLINOIS CONSUMERS FOR CARTER/MONDALE Is this a report of receipts and expenditure for only one election? I Yes D No (b) Address (number and street) (b) If "Yes," for which election? ONE IBM PLAZA, SUITE 2910A on Nov 2,197 Chround 4194nois 60611 (general, primary, runoff) 4 Type of Report (Clieck appropriate box and complete, if applicable) (e) I January 31 Year End Report (a) Amendment For . (f) Monthly Report \_ (c) July 10 Quarterly Report (Which report) (d) October 10 Quarterly Report (Month) (b) April 10 Quarterly Report (g) Termination Report Illinois General (h) 2 Tenth day report preceding in the State of (primary, general or convention) (i) Thirtieth day report following in the State of (primary, general or convention) (date) Candidate or Committee Summary of Receipts and Expenditures 5 Covering Period: From Through Column A Column B Section A - Cash Balance Summary This Period Calendar Year-To-Date None 6 Cash on hand January 1, 19 ...... s None 5000.00 5000.00 8 Total receipts (from line 19) . . . . 5000.00 5000.00 5× P60000 247 1248.80 1248.80 3751.20 3751.20 Section B · Presidential Campaign Expenditures Subject to Limitation · Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds) 13 Refunds and Rebates (from line 17) . . . \$ 14 (a) Expenditures subject to limitation (Subtract line 13 from line 12) . . . . . . I certify that I have examined this Amport, and to the best of my knowledge and pelief it is true, correct and complete. JOEI, D. JOSEPH (Typed Name of Tressurer or Candidate) · (Signature of Treasurer of Candidate) Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 43/y or 6441; (See reverse side of furm) For further Federal Election Commission Any information reported helein may not be copied for sale or use by any person for purposes information 1325 K Struct, N.W. of soliciting contributions or for any con-mercial purpose,

Contect:

Washington, D.C. 20463

(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		
15 Contributions and other Income:	,			
(a) Itemized (use Schedule A)	\$			
(b) Unitemized		the Control of the Co		
(c) Sales and Collections Included Above:	***************************************			
List by event on memo Schedule D (\$)	<i>y</i>	PERSONAL HOLL		
(d) Subtotal of contributions and other income	2	•		
16 Loans and Loan Repayments Received:	warst a server	and address of the		
(a) Itemized (use Schedule A)	\$5000.00	01-6163 015		
(b) Unitemized				
(c) Subtotal of loans and loan repayments received		CONTRACTOR OF THE PROPERTY OF		
17 Refunds, Rebates, Returns Received:	\$ 5000.00			
(a) Itemized (use Schedule A)				
(a) Itemized (use Schedule A)				
(b) Unitemized (c) Subtotal of refunds, rebates, returns	and the second s	FORMAL PROPERTY -		
(c) Subtotal of refunds, rebates, returns	estable select	1417-140-141-141-141-141-141-141-141-141-141		
The file of the fi		ALTERNATION AND ADMINISTRATION OF THE PARTY		
(a) From Affiliated Committee (Itemize on Schedule A Regardless of Amount)		THE COMPANY OF THE PARTY OF THE		
(b) From other Committees (Itemize on Schedule A Regardless of Amount)		Para de unidas en en en		
(e) 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):	STATE OF STREET			
(8) Itemized (use Schedule B)				
(b) Unitemized				
(c) Subtotal of operating expenditures		\$ 121.80		
21 Independent Expenditures (use Schedule E)		s 1127.00		
22 Loans, Loan Repayments, and Contribution Refunds Made:	L65/KL24 130 1 1 2.	The same of the same of		
(a) I temized (use Schedule B).	\$			
(b) Unitermized		EF LW AVET		
(c) Subtotal of loans and loan repayments made and contribution refunds	CALARY SALES AND A	\$		
23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and Accounting Expenditures:				
(a) Itemized (use Schedule B)				
(c) Subtotal of fundraising expenditures	\$			
(c) Subtotal of fundraising expenditures	\$	5		
24 Transfers Out: (a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)	publisher and to bear			
(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)		Allege III		
(c) Subtotal of transfers out		E Detter		
25 Total Expenditures		\$ 1248.80		
PART III - DEBTS AND OBLIGATIONS	10.7			
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)		4 2000 0		
PART IV - RECEIPTS AND EXPENDITURES, NET OF TRANSFERS TO AND FROM AFFILIATED COMMITTEES	5000.00			
\$ \( \tau \) \( \tau \	5000 00			
28 Total Receipts (from line 19). 29 Transfers In (from line 18(a)).		S 10 10 10 10 10 10 10 10 10 10 10 10 10		
30 Net Receipts (Subtract line 29 from line 28)				
And the second s	1240.00	+		
31 Total Expenditures (from line 25)				
32 Transfers out (from fine 24(a))	s	.1		
33 Net Expenditures (Subtract line 32 from line 31)	.   \$	A		
	1248_80			

street, N.W.

# Rebat and Transfers for Line Numbers 15, 16, 17 and/or 18 of FEC Form 3



LINE NUMBER 16

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

Name of Condidate or Committee in full

ANTHONY R. MARTIN-TRIGONA Chicago, Illinois 60611	One IBM plaza, Suite 2910A	Date (month, day, year)	Amount of each receipt this period \$1000.00
rincipal place of business	Occupation	10-13-76	
Same as above	self-employed		
	Check if Contributor is self-employed	1	
	Aggregate Year-to-date		
ull 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	1 1	
	Aggregate Year-to-date	١,	
Full Name, mailing address and ZIP code		Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation	1	
	Charles a Considerate in and ample and	-	
	Check if Contributor is self-employed		
Full Name, mailing address and ZIP code	Aggregate Year-to-date > \$		
Principal place of business	Occupation		
C		-	
C.	Check if Contributor is self-employed	-	
	Aggregate Year-to-date		
ull Name, mailing address and ZIP code	AL EL	Date (month, day, year)	Amount of each receipt this period
Principal place of business	Occupation		
Q.	☐ Check if Contributor is self-employed	1	
	Aggregate Year-to-date	1	
full Name, mailing address and ZIP code	77/	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	2 2	
	************************************	5.00	83
			\$

deral Election Commission 23 K Street, N.W. Ishington, D.C. 20463

# tor Line 21 F.E.C. Form 3

17700 00	-		-	
Page		01		- Pages

	(See reverse side for instruction	ns)		
Name of Candidate or Committee in full			ld. No.	
ILLINOIS CONSUMERS FOR	CARTER/MONDALE		c0006	5920
ONE IBM Plaza, Suite 29	10A, Chicago, Il	linois 6061	Is This a Separa	ate Report by a Committee Filin
temize expenditures which exceed, in the aggregate,	\$100 within a calendar year			
Full Name, mailing address & ZIP Code of Each Payee	Purpose of Expenditure	Date (mon^h, 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
,				
0				
300		-		
44				
-				
·—	-	-		
		- 1		
6				
7				
10				
(a) Subtotal of Itemized Independent Expenditures		\$.	1127.00	
(b) Subtotal of Unitemized Independent Expenditure (c) Total Independent Expenditures		. ,	s	1127.00
Under penalty of perjury I certify that the independenterin were not made in cooperation, consultation, or request or suggestion of any candidate or any authority of such candidate or authorized committee. Furthern did not involve the financing of dissemination, distribution whole or in part of any campaign materials prepare campaign committee, or their agent.	nt expenditures reported oncers with, or at the zed committee or agent nore, these expenditures outlon, or republication	Subscribed and sworn  Ontag 19 7  Commission Expires  5/3/8/	<u>6</u> .	21 day of

Date

ANTHONY R. MARTIN-TRIGONA September 1, 1977 Dear Ms. Snyder: response.

IPIC TOWER, SUITE 22P 64I FIFTH AVENUE CTIONEW YORK, NEW YORK 10022 SEP 6 AN 9: (212) 636-1496

ONE IBM PLAZA, SUITE 2910A JEHICAGO, ILLINOIS BOBIL

PLEASE REPLY TOOne IBM Plaza

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

Re: Illinois Consumers for Carter/Mondale

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

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.

ARMT: sp

77710731 UI 31 11 35 UI S

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# Delaware Volunteers For Reagan

13:37 15 May 1976

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

Dear Mr. Spiegel,

7/C# 610 AOR 1976-20

Iliam Felty

arles Breecner

ttye Arnaid

Cr. ....

Treasurer

dy Biankinship

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

113 Columbia Avenue, Rehoboth Peach, Del. 19971 . Phone 302/227-6564

Delawate Volunteers for Bragon is a political committee in debned in 2 USC 431(d). The Committee has not been authorized by Brought Bragon and the cambrate is not restrensible for the Committee's extinctes. A copy of our report is filed with the Lederal Flection Commission and considered for purchase from the Federal Lettera Commission, Vectorigion, D.C.



# FLDIRAL ELECTION COMMISSION

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

17 AUG 1976

Pe: 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 <u>Buckley</u> v. <u>Valeo</u>, 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/

<sup>1/ &</sup>quot;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 tributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general e a committee within the definition of \$431(d) that is ther an authorized candidate committee nor a committee ablished by a national party, may accept contributions many one person not in excess of \$5,000 per calendar rand any contribution from an individual would be applied inst his or her \$25,000 annual contribution limitation tained in 2 U.S.C. \$441a(a)(3). However, under the cumstances discussed below, donors to your committee will regarded as making contributions to the single candidate ported by your committee and thus subject to the \$1,000 it in 2 U.S.C. \$441a(a)(1), or \$5,000 if the donor is a lified multi-candidate committee, 2 U.S.C. \$441a(a)(2).

Your request raises the question whether persons who evaluated contributed their maximum amount under the Act Governor Reagan may contribute any amount to Delaware unteers for Reagan, which though an unauthorized political nittee, is apparently supporting only his candidacy.

S.C. §441a(a)(1)(A) places a \$1,000 per election limit contributions by persons "to a Federal candidate." thermore, in addition to direct contributions to the didate, contributions are considered to be made "to" a didate if they are contributions made to an authorized itical committee of the candidate (§441a(a)(7)(A)); enditures made in consultation with or at the suggestion the candidate (§441a(a)(7)(B)(i)); or contributions made her directly or indirectly on behalf of a particular didate (§441a(a)(8)).

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

The conferees also agree that the same limitations on contributions that apply to 3

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 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" 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. 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>quot;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 of 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).

 $<sup>\</sup>frac{3}{5}$  If the person is a multi-candidate committee under 2 U.S.C.  $\frac{5}{4}$ 41a(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

# REPORTS ANALYSIS REFERRAL UPDA

\*ORIGIN: RAD

DATE August 11, 1978	ANALYST
TO: General Counsel ATTENTION: SWZanne Callahan THROUGH: STAFF DIRECTOR O.A.P.	COMPLIANCE REVIEW Carroll Bowen  EPORTS ANALYSIS Alla T. Nacellard
	OF ORIGINAL REFERRAL June 14, 1978

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:

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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

\*\*INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).



# FEDERAL ELECTION COMMISSION

1325 K STREET N.W. WASHINGTON, D.C. 20-163

(ADDRESSESS)

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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.

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
Reffrey Receipt Requested: Certified

MEMORANDUM FOR: NANCY DAVIS

FROM:

MARJORIE EMMONS TO WE RAS # 17; RAS # 18; RAD # 5; and RAD #6

RE: 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.

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

	-1. John R. Rarick Congressional Campaign Committee (Lousiana) Miscellaneous report-
	-(600004762)- 2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General
	(C00065920)
	-3. Tisdale for Congress (Connecticut) 30 Day Post-election-
	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)
E-Park	NON-REGISTERED
6	9. Lake County Republican Central Committee (Indiana) NON-REGISTERED
***	<ol> <li>Muskegon County Republican Finance Committee (Michigan) NON-REGISTERED</li> </ol>
	11. Citizens for Freedom, Inc. (Missouri) NON-REGISTERED
	-12. Richmond Republican City Committee (Indiana) - NON-REGISTERED
	-13. Florida Friends for Reagan (Florida)
	-NON-REGISTERED-
0	14. TransportWorkers Political Contributions Committee (New York) October Monthly (C00008268)
6	-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 fo (C00068551) Reagan
	-19.Grabow for Congress Committee (Ohio) October 10-
	<del>(000051581)</del>
	20. Ed Mitchell Democrat for Congress Committee (Penn.) October 10 (C00047670)
	21. Mike Rowland for Congress Committee (Tennessee) Oct.10 and General-election
	(1 DODE AVE)
(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

(ADDRE	SSEE)	
Dear _		(9)
the		otified that certain entries in eccipts and Expenditures filed under section Act of 1971, as amended.
you.	Your failure to respond giv	have received no response from ves the Commission reason to be-
you ha This r days o do not	ve had a reasonable opportu esponse should be mailed to f receipt of this letter.	ake no action against you until unity to respond to this letter. the Commission within ten (10) If you have any questions, please (202/382-3484) our reports
-		Sincerely,
-		
		Commissioner



15 DEP 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,

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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

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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,

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ON

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

# **REPORTS ANALYSIS REFERRAL UPDATE**

\*ORIGIN: RAD

DATE	9/12/78	ANALYST Bill Coppel The
THROUGH:	OF GENERAL COUNSEL ATTENTION: CHRIS TOW STAFF DIRECTOR AT:	COMPLIANCE REVIEW Bowen
FROM:	3.74	OR FOR REPORTS ANALYSIS
AUDIT No. 2 MUR No. 65		DATE OF ORIGINAL REFERRAL _5/23/78
-**PURPOSE:	OTHER RELEVANT INFORM TERMINATION REPORT.	ATION: RECEIPT OF 30-DAY POST PRIMARY
Report i	omm the Illinois Democ	ed a 30-Day Post Primary Report/Termination ratic Campaign Committee (see attachment # od from 3/10/78 through 4/21/78.
mation w	iew of the report, the as prepared, (see attaby your division.	following Request For Additional Infor- chment #2), and will be sent upon noti-
C .		-
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	Ti	
OUTCOME:	(if applicable)	
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<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

<sup>\*\*</sup>INFORMATION, or RESULTS OF RAD ACTION, as appropriate.

ANTHONY ROBERT MARTIN-TRIGONA PELE VID 1978 SEP "6 48 9 48 Hand Dick ..... CHICAGO, ILLINOIS GOOII August 20, 1978

BOX HEQ4

(312) 467-6760

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.

Thenking you in advance.

ANTHONY R. MARTIN-TRIGONA

CR:TYPA

& Election Co K Street, N W ngton, D C. 20463

## HEPON , UT MELEIT IS AND EATE ..... URES FOR A CANDIDATE OR COMMITTEE SECRE SUPPORTING CANDIDATE(S) FOR

NOMINATION OR ELECTION TO FEDERAL OFFICE

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6 Cash on hand January 1, 19	i	5	241,551.01
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8 Torsi receipts from line 191	s 434,976.20		53976.20
TORRES 16. ASSESSMENT 25 CS 105 MODERN CARR.	s 560.057.13	• • • •	776,527.21
tal Sucrora. Acaimes 7 and 5 for Column A and lines 6 and 5 for Column 5.	\$ 300,037.13		**********
9 Total expenditures from line 251.	\$ 560,057.13		776,527,21
10 Cash on hand at blose of recording period (Subtract line 9 from line Sa)	s 0	5	0
11 Value of contributed items on hand to be incuidated ination itemseed institute	i	· • j	
12 Debts and solepstions based to the Committee Candidate internize as on Schedule City	5	i	
10 Depth and policinions owed to the Committee Candidate Intrice as on Schedule C.	5		

OF CANDIDATE OR COMMITTEE :11inois Democratic Campaign Committee REPORT COVERING THE PERIOD FROM: 3/10/78

4/21/78

Contributions from Individuals lineturing contributions in-lundf:  'a) Itemized fuse Schedule A).  'b) Unitemized  Ic) Seres and collections included above:  List by event on memo Schedule O IS.  Id) Subtotal of contributions from individuals  "rensters from Political Committees:  Ia) Funds from off-liated/authorized committee (Itemize on Schedule A recarcless of amount).	\$ .434,976.20 \$	8.2.7.1.7.
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tol Seres and collections included above:  List by event on memo Schedule 2 IS	12/ 02/ 20	
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recarding of amount)	\$	Facility of the second
"b) Fur cs from other committees (Itemize on Schedule A regardless of amount). :	\$	
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THE THE ST SCHOOL ST		
Total Expenditures	\$ 560,057.13	\$ 776,527.21
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RECEIPTS AND EXPENDITURES,		to the work of the
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Total Expenditures (from line 25)	5	
. Transfers Cut (from line 22/a))	\$	
. Net Expenditures (Suproct line 30 from line 29)	\$	

# Contributions, Ticket Purchases, Leans, Rebates, and Transfers for Line

1.001, N.W. m. D.C. 20463	Numbers 15, 11	6, 17 and/or 18 of FEC Form 3	numbered line)	
some of Candidate or Co		AMAZEMEN .		•
ILLINOIS DE	MOCRATIC CAMPAIGN	COMMITTEE		
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ite B

... Election Commission R Street, N.W. nagton, D.C. 20463

# Itemized Expenditures 101 annitation 1

Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

(see Instructions on back)

L. 1 a 2 w

LINE NUMBER \_\_ 20a

fUse seperate schedule(s) for ead numbered line)

### ### ### ### ### ### ### ### ### ##	Full Name, mailing address and ZIP code	Purpose of Expenditure	Date (month,	Amount of each expend
WLOO 875 N. Michigan AV Chicago, Ill. 60611  Advertising  Purpose of Expenditure  Amount of each expend Skokie, Ill. 60076  Advertising  Advertising  Amount of each expend Amou	WBRM 630 N. McClurg Ct.	1	3/13/78	1,311.60
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	WLS-TV	Purpose of Expenditure		Amount of each expensions three this period
· · · · · · · · · · · · · · · · · · ·		Advertising	3/17/78	2,545.75

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.75 K Street, N.W. nington, D.C. 20463

# trental set energy. Itemized Expenditures Campaign Fundraising, Loans, and Transfers for Lines 20, 22, 23, and/or 24 of FEC Form 3

Page 2

LINE NUMBER

numbered line) (see Instructions on back) Name of Candidate or Committee in full ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE Full Name, mailing address and ZIP code Date Imonth, Amount of each expendday, year) ture this period WMAO-TV Merchandise Mart Chicago, Ill. 60654 Advertising 3/17/78 1,870.00 Amount of each expend-Full Name, mailing address and ZIP code Purpose of Expenditure Date (month, day, year) WTVO-TV Advertising 3/20/78 325.00 Meridian Rd. Box 470 Rockford, Ill. 61105 Full Name, musting appress and ZIP code Amount of each expend-Purpose of Expenditure Date (month) ture this period day, year) Anthony Robert Martin-Trigona Repay/cancel line 550,000.00 4/78 Box 11204 oc credit Chicago, IL 60611 Full Name, mailing appress and ZIP code Purpow of Expenditure Date Imonth. Amount of each expend day, ver ture the period Ē. Amount of each expend Date month. Full Name, making appress and ZIP code Furnament Expenditure 20 00 02 100 THE DE 100 GEV. Y00". Amount of each expend. Purpose of Experience Date Imports Fu: Name, making apprets and ZIP code ture the period Amount of each expend-Furi Name, mailing accress and ZIP code PURCH O' ENDERCITURE Date month. 044. Yes-1 ture that per cod Date Imports. Amount of each expend-Full Name, mailing address and ZIP code Purpose of Expenditure day, year! ture this period 560,057.13

Total this period flast page this line number only?

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 over repay the loans which were tade 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.



# FEDERAL ELECTION COMMISSION

1325 K STRFET 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 <u>Bill Coppel</u> 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

ents B. Pour

Attachment FEC Form 12



### HEDISIAN PROPERTY ON COMMISSION 1325 K Street, N.W. Washington, D.C. 20463

10	: ILLINOIS DEMOCRATIC CAMPAIGN COMMITTEE/IL DATE:
_	I.D. NO.:
PUI	QUEST FOR ADDITIONAL INFORMATION FOR THE 30-Day Post Primay REPORT OF RECEIPTS D EXPENDITURES COVERING THE PERIOD 3/10/78 THROUGH 4/21/78  RSUANT TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.
	eview of the report indicates that additional information is needed in order to be considered complete. Please irn a copy of this form with your amended submission(s).
Plea	ase provide the required data, as indicated (x):
_x	Coverage Dates omitted or X_ incorrect
x	Signature X omitted or incorrect
_	Summary Page Line(s) Column(s) Totals omitted or incorrect
	Detailed Summary (Page 2) Line(s) Column(s) Totals omitted orincorrect
_	. Schedule Totals disagree with Detailed Summary (Page 2) or omitted
-0	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 Expenditureomitted orinadequate for Schedule(s) Line(s)
	Nature or Purpose of Receipt omitted or inadequate for Schedule(s) Line(s)
_	Inadequate Description ofproceedsdateseventslocation of Schedule
X	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.

> FEC FORM 12 (Revised April 1977)

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.

# REPORTS ANALYSIS REFERRAL UPDATE

\*ORIGIN: RAD

TO: General Counsel ATTENTION: Suzanne Callahan THROUGH: STAFF DIRECTOR OAF.	TEAM CHIEFCOMPLIANCE REVIEW Carroll Bowen
FROM: ASSISTANT STAFF DIRECTOR FOR	R REPORTS ANALYSIS, Jella T. Haselland
MUR No. 658 (78)	ATE OF ORIGINAL REFERRAL June 14, 1978
Per your request for further informat Consumers for Carter/Mondale, our records violation letter was sent to the committee received, therefore, reason to believe was sent to the committee on December 3, 1976. was not received due to an address change. December 21, 1976. A letter dated December in response to our notices, but was not for we do not know why this matter was not however, new compliance procedures uncover to the General Counsel for review.	e on November 12, 1976. No response was so found and a letter of notification was . Our records indicate that the letter , and a second letter was mailed on er 22, was received on December 27, 1976 ollowed up.
C	
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

<sup>\*</sup>Commission unit which initiated original Referral (e.g. AUDIT/RAD/OGC).

<sup>\*\*</sup>INFORMATION, or RESULTS OF RAD ACTION, as appropriate.



# FEDERAL ELECTION COMMISSION

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

(ADDRESSESS)

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.

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 Refrey Receipt Requested: Certified MEMORANDUM FOR: NANCY DAVIS

FROM:

RE:

MARJORIE EMMONS MWC 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.

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

	1. John R. Rarick Congressional Campaign Committee (Lousiana) Miscellaneous report.
	-(C00004762)
	2. Illinois Consumers for Carter/Mondale (Illinois) 10 Day Pre-General
	(C00065920)  3. Tisdale for Congress (Connecticut) 30 Day Post-election
	<del>-(c00055418)</del>
	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
	<ol> <li>Noble County Republican Central Committee (Indiana) NON-REGISTERED</li> </ol>
	8. Miami County Republican Central Committee (Indiana) NON-REGISTERED
77.	9. Lake County Republican Central Committee (Indiana) NON-REGISTERED
-	10. Muskegon County Republican Finance Committee (Michigan) NON-REGISTERED
F19F	11. Citizens for Freedom, Inc. (Missouri) NON-REGISTERED
-	-12. Richmond Republican Gity Committee (Indiana) -NON-REGISTERED
آ.	13. Florida Friends for Reagan (Florida) -NON-REGISTERED
C	<ol> <li>TransportWorkers Political Contributions Committee (New York) October Monthly (C00008268)</li> </ol>
7	-15. Mike McCormack Congressional Committee (Washington) October 10 Quarterly - (CO0000851)
	16. Plumbers Union Local #609 Committee for Political Action (Penn.) NON-REGISTERED
	-17. League of Conservation Voters (Galifornia) -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- -(COOO51581)-
	<ol> <li>Ed Mitchell Democrat for Congress Committee (Penn.) October 10 (C00047670)</li> </ol>
	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



# FEDERAL ELECTION COMMISSION

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

	(ADDRESSEE)	
	Dear:	
		ere notified that certain entries in of Receipts and Expenditures filed
		paign Act of 1971, as amended.
		er, we have received no response from
	lieve that you may have com	and gives the Commission reason to be- mitted a violation of section
•		to take no action against you until
	<ul> <li>you have had a reasonable o</li> </ul>	pportunity to respond to this letter. led to the Commission within ten (10)
	days of receipt of this let	ter. If you have any questions, please (202/382-3484) our reports
	analyst assigned to you.	(202/382-3484) Our reports
	_	
y=	- C	Sincerely,
•		
		Commissioner



15 DEC 27 AB: 17 Orlando B. Potter Staff Director

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

(202) 338-5560

December 22, 1976

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

Dear Lan,

LT.

0 10 7 6

C d€ CK

This letter is in response to RAD0135SS. Section 44la(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,

TYPE UF 1ST NOTICE			2552	2ND NOTICE			3RD NOTICE RESP.		
REPORT	SENT	DUE	RESP.	SENT	DUE	RESP.	SENT	DUE	,
0.0	11/12.	1/27		12-3-10	13-19-76				
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	-			12/21/76	1/5/2	1922	1		
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Indicate type of mail: Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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THE BOTH HOPEN PRINTING MERCE 1872



#### 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

FROM:

TOM HASELHORST IN

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.



1	REPORTS ANALYSIS REFERRAL SHEET D#					
7	Date AnalystBob Pease					
	Team Chief _ Craig Crooks					
	TO: William Oldaker 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 wa - general election 1976					
Total Receipts \$ 5000 Total Expenditures \$ 1248.80						
~	Cash on Hand \$ -0- Debts \$ -0-					
-	REASON(S) FOR REFERRAL:					
	Allegation(s) Cite Attachment					
	This concerns an excessive loan, later changed 110.(h) A					
-	to a contribution, from a single candidate					
C	unauthorized committee. The contribution exceeds AOR-1976-20 C					
	the \$1000 limitation on such committees.					
	HISTORY:					
	The first report filed by this committee, the 10 day report preceeding the					
	general election, contained two loans aggregating \$5000 from Anthony Martin-					
	general election, contained two loans aggregating \$5000 from Anthony Martin-					
	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					

7 3 3

ection Commission reet, N.W. n, D.C. 20463

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



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

1(a) Name of Candidate or Committee (in full)   Check if name or address is changed	2 Identification Number				
ILLINOIS CONSUMERS FOR CARTER/MONDALE		QQQQGESQQQ C9900085			
(b) Address (number and street)	for only one election?				
ONE IBM PLAZA, SUITE 2910A	General	on _Nov 2,197			
প্রিমুক্ত প্রাপ্ত প্রাপ্ত বিশ্বর্থ বিশ্বরথ বিশ্বর	(general, primary, runo				
4 Type of Report (Check appropriate box and complete, if applicable)  (a) Amendment For	(e)	(Month)			
	1	20			
(i) Thirtieth day report following election on (primary, general or convention)	in the State of				
Candidate or Committee Summary of Receipts and	d Expenditures				
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		s None			
Cash on hand at beginning of reporting period	s None	-			
8 Total receipts (from line 19)	s 5000.00	s 5000.00			
(a) Subtotal (Add lines 7 and 8)	\$ 5000.00	s 5000.00			
§ Total-expenditures (From line 25)	\$ 1248.80	s 1246.80			
Cashiba hand at close of reporting period (Subtract line 9 from line 8)	s 3751.20	s 3751.20			
Contributed items on hand to be liquidated (attach itemized list)	1 12 12 12 12 12 12 12 12 12 12 12 12 12	4 30 8 11			
Section B - Presidential Campaign Expenditures Subject to Limitation - Summary (To Be Used Only By Presidential Candidates Receiving Federal Funds)					
2 Operating expenditures (from line 20)	s	s			
3 Refunds and Rebates (from line 17)	· · ·   <b>s</b>				
4 (a) Expenditures subject to limitation (Subtract line 13 from line 12)	s	s			
(b) Expenditures from prior years subject to limitation		s			
(c) Total expenditures subject to limitation (Add lines 14a and 14b)		s			
JOEL D. JOSEPH (Typed Name of Treasurer or Candidate) (Signature of Treasurer of Candidate)	J 17 12 10	(Date)			
Note: Submission of false, erroneous, or incomplete information may subject the person signing the § 441; (See reverse side of form)	his Report to the penalties of 2	U.S.C. §437y or			
or further Legeral Election Continuesion					

Sylvery 2

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

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Form 3 1976 eral Election Commission 5 K Straet, N.W. hington, D.C. 20463

## Detailed Summary Schedule of Neceipts and Expenditures (Page 2)

N	Name of Candidate or Committee	didete or Committee REPORT COVERING THE FROM:	
,	PART I - RECEIPTS	Column A This Period	Column B Calendar year-to-date
1,	15 Contributions and other Income:		Salte Salt
1		\$	
			100
1	(c) Sales and Collections Included Above:	•	10 500
1	List by event on memo Schedule D (\$)	4	100000
1		s	
l,	18 Loans and Loan Repayments Received:	•	3
1	(a) Itemized (use Schedule A)	5000.00	1.785
	(b) Unitemized (		
	(b) Unitemized	기계 하는 사람들은 100% (100%) 및 다른 사람이 하다면 없다.	
1,		5 5000.00	5000.00
1	17 Refunds, Rebates, Returns Received:	ALTER TOTAL	12000
1	나 있었다. 그는 맛이 있는 맛이 맛이 가지나 하게 되어 하게 되었다. 이 이 아마는 아마는 사람이 되었다. 그는 사람이 하게 하게 하게 하게 하게 하게 하게 하는데 아마는데 아마는데 아마는데 아마는데 아마는데 아마는데 아마는데 아마		91
1	(b) Unitemized		
1	(c) Subtotal of refunds, rebates, returns	\$	\$
1	18 Transfers In:		100
1	하고 있다면 하면	A THE RESIDENCE OF THE PROPERTY OF THE PROPERT	
1			
1	(c) Subtotal of transfers in	-	\$
1	19 Total Receipts	\$ 5000.00	s 5000.00
P	PARTII - EXPENDITURES		
2	20 Operating Expenditures (Committees Nor Receiving Federal Funds Include Fundraising, Legal and Accounting Expenditures):		
1	(2) Itemized (use Schedule B)		
1	(b) Unitemized		
4			\$ 121.80
2	21 Independent Expenditures (use Schedule E)		\$ 1127.00
	22 Toans, Loan Repayments, and Contribution Refunds Made:	-	-
1	(g) Itemized (use Schedule B)	s	
4	(6) Unitermized	\$	
1	(c) Subtotal of loans and loan repayments made and contribution refunds		\$
2	23 For Use Only By Presidential Campaigns Receiving Federal Funds; Exempt Fundraising, Legal and	1	A. C.
	Accounting Expenditures:		
1	(a) Itemized (use Schedule B)		
1	(b) Unitemized		
1	(c) Subtotal of fundraising expenditures	s	\$
21	24 Transfers Out:	/	
1	(a) To Affiliated Committee (Itemize on Schedule B Regardless of Amount)		
	(b) To Other Committees (Itemize on Schedule B Regardless of Amount)	\$	42. 11
1.	(c) Subtotal of transfers out	5 1240 00	5
	25 Total Expenditures	\$ 1248.80	\$ 1248.80
	PART III - DEBTS AND OBLIGATIONS	1	
1000	26 Debts and obligations owed to the Committee (Itemize all on Schedule C)		4
-	27 Debts and obligations owed by the Committee (Itemize all on Schedule C)	5 5000.00	
P	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))	\$	1
	30 Net Receipts (Subtract line 29 from line 28)	\$ 5000,00	
		1240 00	
	31 Total Expenditures (from line 25)	.*	4
	32 Transfers out (from line 24(a))	\$	Acc
3.	33 Net Expenditures (Subtract line 32 from line 31)	1248-80	A second second
-		140.0U	Annual annual and an area

K Street, N.W. hington, 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

Page 1 of 1 for LINE NUMBER 16

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

(see Instructions on back) Name of Candidate or Committee in full ILLINOIS CONSUMERS FOR CARTER/MONDALE Full Name, mailing address and ZIP code Date Imonth, Amount of each One IBM plaza, Suite 2910A ANTHONY R. MARTIN-TRIGONA day, year) receipt this period Chicago, Illinois 60611 10-1-76 \$1000.00 Principal place of business Occupation 10-13-76 \$4000.00 self-employed Same as above Check if Contributor is self-employed Aggregate Year-to-date ...... ▶ \$ 5000.00 Full Name, mailing address and ZIP code Date (month, Amount of each receipt this period day, year) Occupation Principal place of business ☐ Check if Contributor is self-employed Full Name, mailing address and ZIP code Date (month, Amount of each day, year) receipt this period Occupation Principal place of business Check if Contributor is self-employed Full Name, mailing address and ZIP code Date (month, Amount of each day, year) receipt this period Principal place of business Occupation ☐ Check if Contributor is self-employed Full Name, mailing address and ZIP code Date (month, Amount of each day, year) receipt this period Principal place of business Occupation Check if Contributor is self-employed Full Name, mailing address and ZIP code Date (month, Amount of each day, year) receipt this period Principal place of business Occupation Check if Contributor is self-employed \$ 5,00000 Total this period (last page this line number only)

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### for Line 21 F.E.C. Form 3

	1		1		
Page	_	of .		_	Pages

ame of Candidate or Committee in full	the state of the s	ns)				
			ld. No.	1117-25-25-Y-		
ILLINOIS CONSUMERS FOR	c0006	c00065920				
ONE IBM Plaza, Suite 29	ONE IBM Plaza, Suite 2910A, Chicago, Illinois 60611			Is This a Separate Report by a Committee Filin on FEC Form 3A?NO		
emize 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		
min.						
6						
***						
20.00	10001017					
7						
	1					
c						
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5.	1					
			-			
<ul> <li>Subtotal of Itemized Independent Expenditures</li> <li>Subtotal of Unitemized Independent Expenditures</li> </ul>		s.	1127.00			
			s	1127.00		

Acces Sugificant 10-21-76

My Commission Expires

Horole M. ECTYN

ANTHONY R. MARTIN-TRIGONA

SEP 6 All 9: 36 CHICAGO, ILLINOIS GOGII

September 1, 1977

PLEASE REPLY TOOne 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 presponse.

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 KODER MARTIN-TRIGONA

ARMT: sp

### Delaware Volunteers For Reagan

1.17: 37 15 May 1970

Bettye Arnoid

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

Charles Breecher

Dear it. Spiegel,

文 C # 610 AOR 1976-20

William Felay

Judy Blackinship

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 55,000 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

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

Delaware Volunteers for finagan is a profitical committee as defined in 2 USC 431(d). The Committee has not been authorized by Bonald Heagan and the candidate is not restonsible for the Committee's activities. A copy of our report is filled with the Federal Election Commission and in a 2 to the contract of the devial Election Commission and in a 2 to the contract of the devial Election Commission and in a 2 to the contract of the devial Election Commission and in a 2 to the contract of the



#### FLDERAL ELECTION COMMISSION

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

17 AUG 1976

Pe: 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/

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

I multi-candidate political committees are limited to atributions not in excess of \$5,000 in any calendar year "any . . . political committee." Therefore, as a general te a committee within the definition of \$431(d) that is ither an authorized candidate committee nor a committee tablished by a national party, may accept contributions om any one person not in excess of \$5,000 per calendar ar and any contribution from an individual would be applied ainst his or her \$25,000 annual contribution limitation ntained in 2 U.S.C. \$441a(a)(3). However, under the rounstances discussed below, donors to your committee will regarded as making contributions to the single candidate poorted by your committee and thus subject to the \$1,000 mit in 2 U.S.C. \$441a(a)(1), or \$5,000 if the donor is a alified multi-candidate committee, 2 U.S.C. \$441a(a)(2).

Your request raises the question whether persons who we already contributed their maximum amount under the Act Governor Reagan may contribute any amount to Delaware lunteers for Reagan, which though an unauthorized political maittee, is apparently supporting only his candidacy. U.S.C. \$441a(a)(1)(A) places a \$1,000 per election limit contributions by persons "to a Federal candidate." arthermore, in addition to direct contributions to the antidate, contributions are considered to be made "to" a andidate if they are contributions made to an authorized elitical committee of the candidate (\$441a(a)(7)(A)); conditures made in consultation with or at the suggestion of the candidate (\$441a(a)(7)(B)(i)); or contributions made inher directly or indirectly on behalf of a particular andidate (\$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 contributor to give his maximum permissible contribution irectly to a candidate, and then indirectly contribute dditional 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" 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.

<sup>2/ &</sup>quot;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 of 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. 5441a(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



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#### FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 658

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