FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 274

Date Filmed 1/25/79 Camera No. --- 2

Cameraman GPC

FEDERAL ELECTION COMMISSION

File Memos of Nov 5, 1976, Feb 11, 1977 - 5USC552b(5)

Copies of Bills 5USC552b(4)

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

____	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
____	(5) Internal Documents		

Signed Gary P. Fabis

date 11/2/78

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 2, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Michael Tobin, Esquire
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Maryland 20910

Re: MUR 274(76)
Your File No. 37-001-115

Dear Mr. Tobin:

This is to notify you that the conciliation agreement in the above-referenced matter for James L. Federline, Inc., ("Federline") has been signed. As the Commission has received Federline's check in the amount of two hundred fifty dollars ($250) in full payment of the penalty imposed by the agreement, the matter is now closed. A copy of the signed agreement is enclosed for your convenience.

If you have any questions, please contact Gary D. Lipkin at 523-4060.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

7 9 0 4 0 0 9 2 9 7

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

11/1/78

Charles Michael Tobin, Esquire
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Maryland 20910

Re: MUR 274(76)
Your File No. 77-001-115

Dear Mr. Tobin:

This is to notify you that the conciliation agreement in the above-referenced matter for James A. Federline, Inc., ("Federline") has been signed. As the Commission has reviewed Federline's check in the amount of two hundred fifty dollars ($250) in full payment of the penalty imposed by the agreement, the matter is now closed. A copy of the signed agreement is enclosed for your convenience.

If you have any questions, please contact Gary D. Lipkin at 523-4060.

Thank you for your cooperation.

Sincerely yours,

/s/

William C. Oldaker
General Counsel

Enclosure

Gary D. Lipkin
11/1/78

7904009274

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc.)
et al.)

MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 31, 1978, the Commission determined by a vote of 5-0 to give final approval, prior to the signature of the General Counsel, to the conciliation agreement signed by the respondent which was attached to the General Counsel's memorandum dated October 26, 1978.

Voting for this determination were Commissioners Aikens, Tiernan, McGarry, Thomson, and Harris.

Attest:

10/31/78
Date

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 10-26-78, 4:01
Circulated on 48 hour vote basis: 10-27-78, 11:30

7 9 0 4 0 0 9 2 9 7

October 26, 1979

MEMORANDUM TO: Margo Emmons

FROM: Elissa T. Barr

SUBJECT: MCR 274

Please have the attached Memo and conciliation agreement distributed to the Commission on a 48 hour tally basis.

Thank you.

7904009297 6

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

78 OCT 26 P4:01

October 26, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker

RE: Conciliation Agreement in MUR 274(76)

The respondent in this MUR, James A. Federline, Inc., has signed the conciliation agreement, which was approved by the Commission on September 13, 1978, and has forwarded a check in full payment of the penalty imposed. Accordingly, the attached agreement and letter are circulated for final approval prior to my signature and subsequent closure of this matter.

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ATTACHMENT
Conciliation Agreement and check from respondent

BEFORE THE FEDERAL ELECTION COMMISSION
September 7, 1978

78 OCT 20 AM 10:01

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc. et al.)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline, Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

7 9 0 4 0 0 9 2 9 7 8

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent agrees:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b(b)(2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g (a)(6)(B).

General Conditions:

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter.

II. This agreement shall in no manner be construed as an admission by the respondent that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

III. 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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

IV. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

VI. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement become effective

to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:

1. Notice of Federal Election
2. SCOOP

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BEFORE THE FEDERAL ELECTION COMMISSION
September 7, 1978

'78 OCT 20 AM 10:01

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc. et al.)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline, Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

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IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b(b)(2).

7 0 4 0 0 6 2 9 8 4

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g (a)(6)(B).

General Conditions:

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter.

II. This agreement shall in no manner be construed as an admission by the respondent that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

III. 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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

IV. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

VI. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement become effective

7004029365

to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:

1. Notice of Federal Election
2. SCOOP

7 0 4 0 0 9 2 9 8 6

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .

WHO IS FOR . . . WHO IS AGAINST . . .

WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientation. Supporters of forced busing want to achieve a [illegible] education within the
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government efforts "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or retrain employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14(b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!

YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

7 9 0 4 0 6 7

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

7 9 0 4 0 0 9 2 9 8 8

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14(b)) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC. P.O. BOX 8333 • GAITHER/WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE: AREA CODE 301/796-7100

common situs bill would be presented to the John Dunlop form if they are in the White House. The Carter aides said they believed a two title common situs bill would be considered a trade off. The Association representatives said they opposed common situs in any form. In general, the Carter economic policy calls for more federal spending, stand by wage price controls, a $200 billion spending platform, more power to national unions and the elimination of competition between states for new business.

One construction association representative summed the meeting up when he said: "If this is what they think a pro-competition policy is, their thinking is fuzzy, not the issues."

23 CONSTRUCTION GROUPS OPPOSE MASS TRANSIT "NO-STRIKE" PLAN

The U. S. Department of Transportation (DOT) has established a policy of requiring, or at least urging, no-strike agreements on Urban Mass Transit Administration (UMTA) construction projects. Besides restricting free competition, the plan forces open or Merit Shop contractors away from such work. The history of no-strike agreements is strewn with unenforceability, contract violations and lower productivity followed by cost inflation. The agreements appear to be illegal, unconstitutional, wasteful and immoral. ABC, working with an ad hoc group of 23 other construction associations calling themselves the "Mass Transit Agreement Interest Group," met with DOT Secretary Coleman in an attempt to reverse DOT policy. ABC chapters where UMTA projects are now underway have challenged local UMTA and state DOT regulations. ABC presented a position paper opposing the anti-competitive agreements to Secretary Coleman. At the meeting, Secretary Coleman said the policy would be changed to exempt open shop contractors from having to comply with the agreements.

ENGINEERING NEWS RECORD EDITORIAL CRYSTALIZES CONSTRUCTIONS REAL ISSUES

In an Engineering News-Record editorial of August 26 titled "Labor Relations and the Law," ENR editors crystalized some of the major problems facing the industry today. ENR said that in the past few weeks union pickets had shut down $70 million worth of Army construction work because Army personnel were not being paid Davis-Bacon "prevailing" wages. Unions were responsible for pickets and threats of violence against a black contractor on a $93 million project in Baltimore. And DOT had promoted the use of owner-negotiated project labor agreements for Mass Transit work.

> "If the protection of the Davis-Bacon Act is to be extended beyond contract construction work, if the law on minority set aside programs is to be changed, if the ban on unionization from the top down is to be repealed, if mass transit is to be made a union domain, and if the civil rights of black or open shop contractors are to be set aside, only Congress can do it.
>
> There may be more than one way to skin a cat, but anarchy is not one of them."

THE HAPPY RETURNS ARE YOURS

Look for "Happy Birthday To Us" ads in Convention week issues of Business Week magazine and Engineering News-Record magazine. ABC is telling construction customers and potential members that while we are considered the new-kid-on-the-block, we are 25 years old and 10,000 members strong.

BRAZILIAN GOVERNMENT SEEKS ABC'S JOB SAFETY PROGRAM

The Brazilian government has requested ABC to allow them to translate the copyrighted Job Safety Analyses (JSA) program into Portuguese. Negotiations are currently underway.

NCIC WANTS OFFICE OF CONSTRUCTION IN U.S. DEPARTMENT OF COMMERCE

The National Construction Industry Council headed by NCIC Chairman Philip Abrams (ABC's Past President) agreed at their August meeting to push for a Federal Office of Construction charged with gathering industry statistics, economic analyses, coordinating research, and serving as a liaison office with the Congress and other regulatory agencies. The creation of the office of construction would not require legislation. NCIC is made up of 30-member associations that spend most of their time discussing how not to discuss labor relations.

UNIONS WANT SOLDIERS PAID DAVIS-BACON RATES FOR TRAINING

A laborer's local was successful in shutting down more than $70 million in construction work for 12 days at a military base because they felt soldiers should be paid Davis-Bacon rates while they paved a small parking lot for training. A $40 million barracks project, a $20 million hospital expansion project, a $2 million dining hall renovation and a $1.4 million dental facility were shut down because 500 union workers would not cross the laborers picket lines. An Army spokesman called the project a "small training project." This demonstration of union responsibility took place at Ft. Leonard Wood, Mo.

BUILDING TRADES SPEND FOR CARTER

The AFL-CIO building trades unions have fallen in line behind Jimmy Carter along with other AFL-CIO unions and C.O.P.E. George Meany says the full political apparatus of the AFL-CIO's committee on political education will be deployed in behalf of Carter and also for the campaign of labor-endorsed congressional candidates.

ABC REVIEWS UNION VIOLENCE WITH SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Discussions on the need for legislation to correct the reoccurring problem of construction site crimes are underway between ABC and the U. S. Senate Permanent Subcommittee on Investigations. ABC's Director of Legal Rights and Strategy and Field Representative are conducting a series of meetings with the Subcommittee's staff at ABC's National Headquarters and on Capitol Hill.

CONSTRUCTION'S PRODUCTIVITY WOES AFFECT ALL

With no other groups able to report much success in improving productivity in the construction industry, the Nation's civil engineers have become the most recent industry group to re-emphasize the need for major improvements in construction productivity. At a recent Chicago productivity conference, a group of mostly fellows of the American Society of Civil Engineers heard speakers say the problems in productivity are not confined to construction phases but are potentially widespread in design phases as well, which is where housecleaning should begin.

Areas of crucial concern affecting productivity in the design professions include wasted design time, including redesign efforts, and government regulations. The group called for better data so that productivity can more accurately be measured.

JOINT MINORITY CONFERENCE SCHEDULED

Transportation Secretary William Coleman will be guest speaker at the opening session of the Annual Joint Minority Conference September 23-25 in Washington, D.C. The conference, sponsored by organizations representing minority contractors, architects, mortgage bankers, real estate brokers, housing specialists, and consulting engineers, will focus on political campaign issues affecting minorities in business and industry, economic trends, federal and local government programs and other conference topics.

PRESIDENTIAL APPOINTMENTS

The Senate confirmed John Penello to a second five year term on the NLRB, ABC supported Penello. The nomination of Thomas Longshore, whom ABC supported, to the Board of Tennessee Valley Authority was rejected in Committee by a vote of 8 to 6.

OSHA

Legislation (S 3182) to provide on-site consultation services to assist business in complying with OSHA regulations remains in the Senate Labor Committee. Senator Taft (R-Ohio), the primary sponsor of the bill, is expected to make an effort to attach it as a rider to some other legislation in hopes of getting favorable consideration sometime this year. The Taft measure is identical to the House-passed version (H.R. 3612).

CLEAN AIR ACT

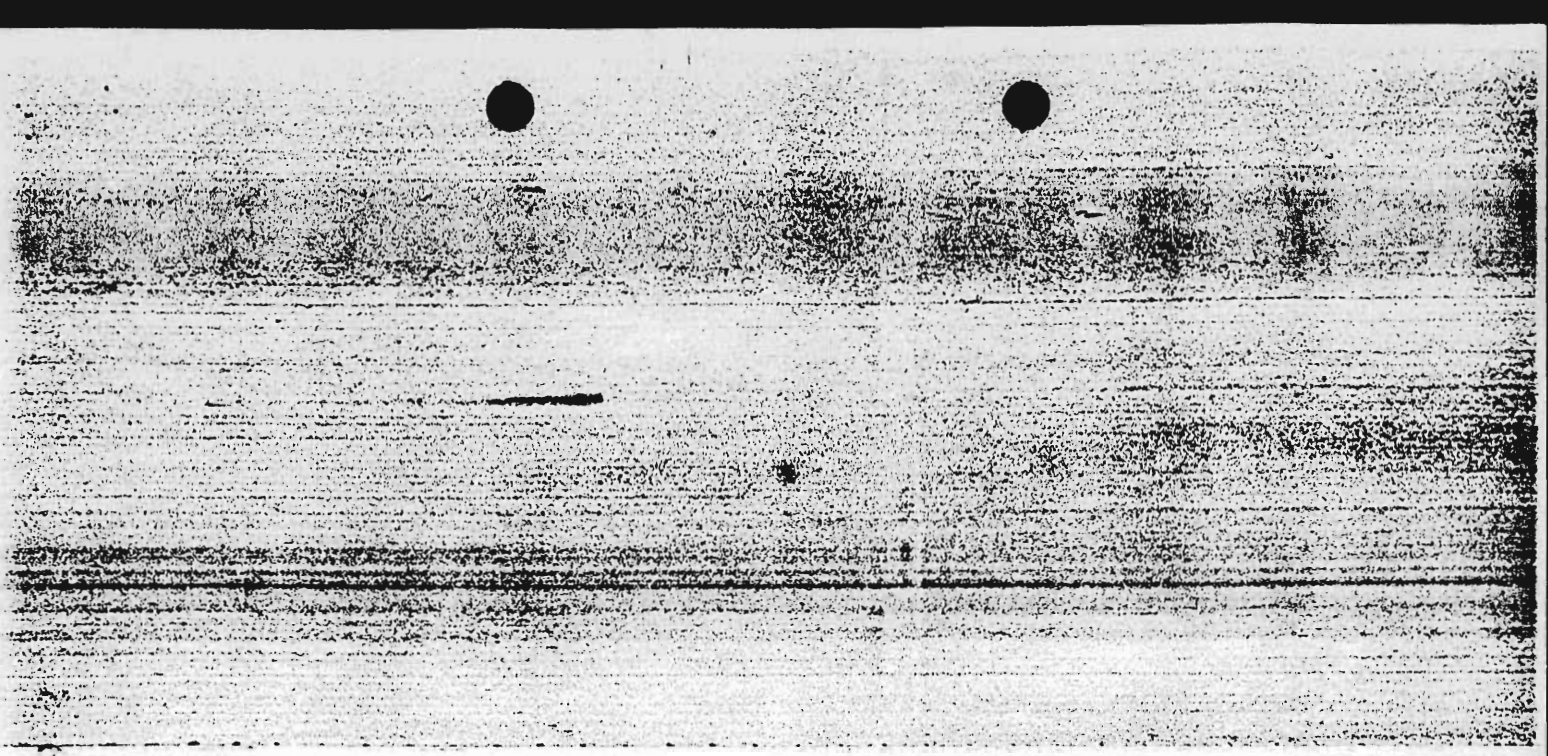
A bitter struggle is expected when the controversial Clean Air bill (H.R. 10498) reaches the House floor the week of August 30. ABC supports Representative Bill Chappell's amendment to delete Section 109 (no growth standards resulting in land use control) from the bill. The Senate passed version of the bill (S. 3219) includes the no growth provisions.

MINIMUM WAGE

The AFL-CIO is attempting to rally a coalition of Democrat and Republican Representatives to move the Minimum Wage bill (H.R. 10130) which is stalled in the House Labor Committee. The bill would increase the minimum wage to $3.00/hr. and grant overtime at the rate of double time and a half over 40 hours.

REVENUE SHARING

An amendment offered by Senators Fannin and Dole to strike application of the Davis-Bacon Act to projects financed under Revenue Sharing was rejected during markup in the Senate Finance Committee. An amendment by Senator Nelson to broaden Davis-Bacon coverage was also defeated. We expect similar efforts to take place on the Senate floor when the Revenue Sharing Bill is considered as early as September 8. Please wire or phone your Senators urging them to support the Dole/Fannin amendment to eliminate Davis-Bacon coverage under Revenue Sharing.



James A. Federline, Inc.
26 W. DIAMOND AVENUE
GAITHERSBURG, MD. 20760

THE EQUITABLE TRUST CO.
BALTIMORE, MARYLAND

24415

CHECK NO.

7-89
520

PAY THE SUM 250 00 DOLLARS

DATE: 10/17/78

AMOUNT: $250.00

TO THE ORDER OF: Treasurer of the United States

:0520=0089: 601 7074 8"

VOUCHER NO.

DATE

ACCOUNT NUMBER	JOB NO.	COST CODE	P/S NO.	VEND. NO	DESCRIPTION	AMOUNT
1681						$250 00

James A. Federline, Inc.

THE ATTACHED CHECK IS PAYMENT IN FULL FOR THE ITEMS DESCRIBED ABOVE.

GCO # 5233

LAW FIRM
SHULMAN, ROGERS, GANDAL & TOBIN, P. A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
CHARLES MICHAEL TOBIN
KARL L. ECKER

DAVID A. PORDY*
MARTIN P. SCHAFFER"
ROBERT O. JOHNSTON*
FRED B. KLEIN
CHRISTOPHER C. ROBERTS
EDWARD M. HANSON, JR."

MONTGOMERY CENTER
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910
(301) 565-4400

WASHINGTON OFFICE
SUITE 516
1156 15TH STREET, N.W.
WASHINGTON, D. C. 20005
(202) 872-1808

* VA. ALSO
" MD. ONLY

RECEIVED
FEDERAL ELECTION COMMISSION
'78 OCT 20 AM 10 00

October 18, 1978

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

807076

Re: Federal Election Commission/ James A. Federline, Inc.
Our File No. 37-001-115

Dear Mr. Lipkin:

Pursuant to your telephone conversation with my secretary on October 17, 1978, I am pleased to enclose the original of the Conciliation Agreement duly signed by James A. Federline, Inc. I am also enclosing a check in the sum of $250.00 made payable to the Treasurer of the United States and signed by William DuVal, treasurer of James A. Federline, Inc.

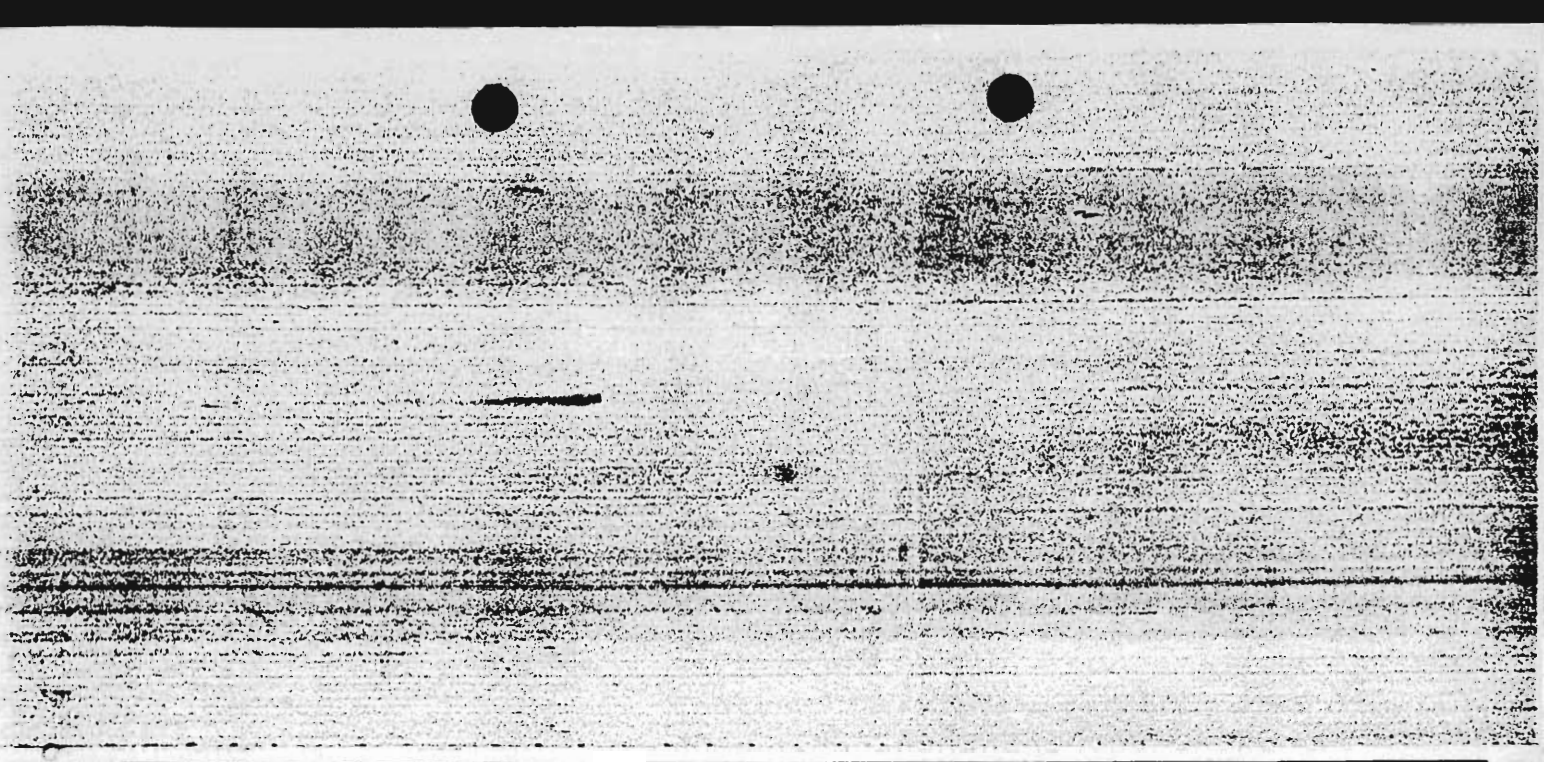
If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

SHULMAN, ROGERS, GANDAL & TOBIN, P.A.

By
Charles Michael Tobin

CMT/skl
Enclosure
T:N



James A. Federline, Inc.
26 W. DIAMOND AVENUE
GAITHERSBURG, MD. 20760

THE EQUITABLE TRUST CO.
BALTIMORE, MARYLAND

24415

CHECK NO.

7-89
520

PAY THE SUM 250 [illegible]

DATE 10/17/78

AMOUNT $250.00

TO THE ORDER OF Treasurer of the United States

:0520:0089: 601 7074 8:

VOUCHER NO. DATE

ACCOUNT NUMBER	JOB NO.	COST CODE	P/S NO.	VEND. NO.	DESCRIPTION	AMOUNT
1681						$250 00

James A. Federline, Inc.

THE ATTACHED CHECK IS PAYMENT IN FULL FOR THE ITEMS DESCRIBED ABOVE.

RECEIVED
FEDERAL ELECTION
COMMISSION

'78 OCT 20 AM 10:00

7900092995

SHULMAN, ROGERS, GANDAL & TOBIN, P. A.
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910

To:

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

FEDERAL ELECTION COMMISSION
OCT 20 10:00

FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE by lyf

DATE: OCTOBER 24, 1978

SUBJECT: MUR 274 - Interim Status Report dated 10-11-78; Signed: 10-19-78. Received in OCS: 10-20-78, 1:44

The above-named document was circulated on a 24 hour no-objection basis at 9:00, October 23, 1978.

The Commission Secretary's Office has received no objections to the Interim Status Report.

7 9 0 4 0 0 9 2 9 6

October 20, 1976

MEMORANDUM TO: Marge Emmons

FROM: Elissa Garay

SUBJECT: MUR 274

Please have the attached Interim Status Report on MUR 274 distributed to the Commission.

Thank you.

7 9 0 4 0 0 9 2 9 9 7

RECEIVED
OFFICE OF THE

78 OCT 2 P1:44

BEFORE THE FEDERAL ELECTION COMMISSION
October 11, 1978

In the Matter of)
)
James A. Federline, Inc.)

MUR 274 (76)

7 9 0 4 0 0 9 2 9 3

INTERIM STATUS REPORT

Counsel for the respondent, on September 19, 1978 received the conciliation agreement that was approved by the Commission. The staff has learned that the agreement is acceptable to the respondent and will be signed and forwarded to the Office of the General Counsel shortly.

10/19/78
Date

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: LATE VOTE ON MUR 274

DATE: SEPTEMBER 19, 1978

On September 14, 1978 your office received a certification on the General Counsel's Report dated September 6, 1978. This report had been circulated on a 48 hour vote basis at 4:00, September 11, 1978 with a suspense date of September 13, 1978 at 4:00.

At the expiration of the suspense date the vote was 5-0 as it appeared in the certification.

Commissioner Aikens returned her papers at 2:13, September 19, 1978, requesting that her vote be recorded as a "no" vote. A copy of the vote sheet is attached.

If it is necessary to amend the certification, please so advise.

2 ATTACHMENTS
1. Copy of certification
2. Copy of vote sheet

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc.)

MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Approve the changes listed in the General Counsel's Report dated September 6, 1978 and incorporated into the conciliation agreement attached to the same report.

2. Approve the letter attached to the General Counsel's Report dated September 6, 1978.

Voting for these determinations were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan.

9/14/78
Date

Marjorie W. Emmons
Secretary to the Commission

Report signed: 9-8-78
Received in Office of Commission Secretary: 9-8-78, 5:05
Circulated on 48 hour vote basis: 9-11-78, 4:00

7 9 0 4 0 0 9 3 0 0 1

48 HOUR TALLY SHEET

VOTE AGAIN

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

78 SEP 19 P 2:13

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Date and Time Transmitted: SEPT. 11, 1978 - 4:00

Commissioner Aikens

RETURN TO OFFICE OF COMMISSION SECRETARY BY: SEPTEMBER 13, 1978 - 4:00

MUR No. General Counsel's Report dated 9-6-78, MUR 274

( ) I approve the recommendation

( ) I object to the recommendation

COMMENTS: Wish to be recorded as voting "no" - Do not place on agenda, however.

Date: 9/18/78 Signature: J. Aikens

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

7 0 0 1 0 0 3 0 0 1 1

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Michael Tobin, Esquire
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Maryland 20910

Re: MUR 274 (76)

Dear Mr. Tobin:

Enclosed for your client's signature is a copy of the conciliation agreement which the Commission would accept in the above-referenced matter. You will note that the agreement is identical to the one which you indicated your client would sign in your letter of August 29, 1978.

Please advise your client that its check, in the amount of two hundred and fifty dollars ($250), should be made payable to the order of the "Treasurer of the United States," and forwarded to the Commission.

If you have any questions, please contact Gary D. Lipkin at 523-4529.

Thank you for your cooperation.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

7900100930

Lipkin MUL-274

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

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

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

2. ARTICLE ADDRESSED TO:
Charles Michael Tobin, Esq.
8630 Fenton Street, Suite 430
Silver Spring, Md. 20910

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943237	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
9.19.78

POSTMARK
SEP 19 1978

5. ADDRESS (Complete only if requested)
8630 Fenton
Silver Spring, Md.

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆GPO: 1977—O—249-505

7004 0063 0003

BEFORE THE FEDERAL ELECTION COMMISSION
September 7, 1978

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc. et al.)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline, Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent agrees:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b(b)(2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g (a)(6)(B).

General Conditions:

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter.

II. This agreement shall in no manner be construed as an admission by the respondent that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

III. 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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

IV. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

VI. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement become effective

7 0 0 4 0 9 3 0 0 6

to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:

1. Notice of Federal Election
2. SCOOP

7004009307

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .

WHO IS FOR . . . WHO IS AGAINST . . .

WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and exile disorientation. Opponents of forced busing want to achieve a unity of action within the
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is not used in the Carter platform to set city big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government subsidized "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulation of private industry to create permanent jobs and to train or retrain employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14(b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!

YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14(b)) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain the program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 1000 • HALLING POWER BUILDING • NATIONAL ARC 301, MD. 20740 • PHONE: ARC 699-8800

common situs bill would be presented in the John Dunlop form if they are in the White House. The Carter aides said they believed a two title common situs bill would be considered a trade off. The Association representatives said they opposed common situs in any form. In general, the Carter economic policy calls for more federal spending, stand by wage price controls, a $200 billion spending platform, more power to national unions and the elimination of competition between states for new business.

One construction association representative summed the meeting up when he said: "If this is what they think a pro-competition policy is, their thinking is fuzzy, not the issues."

23 CONSTRUCTION GROUPS OPPOSE MASS TRANSIT "NO-STRIKE" PLAN

The U. S. Department of Transportation (DOT) has established a policy of requiring, or at least urging, no-strike agreements on Urban Mass Transit Administration (UMTA) construction projects. Besides restricting free competition, the plan forces open or Merit Shop contractors away from such work. The history of no-strike agreements is strewn with unenforceability, contract violations and lower productivity followed by cost inflation. The agreements appear to be illegal, unconstitutional, wasteful and immoral. ABC, working with an ad hoc group of 23 other construction associations calling themselves the "Mass Transit Agreement Interest Group," met with DOT Secretary Coleman in an attempt to reverse DOT policy. ABC chapters where UMTA projects are now underway have challenged local UMTA and state DOT regulations. ABC presented a position paper opposing the anti-competitive agreements to Secretary Coleman. At the meeting, Secretary Coleman said the policy would be changed to exempt open shop contractors from having to comply with the agreements.

ENGINEERING NEWS RECORD EDITORIAL CRYSTALIZES CONSTRUCTION'S REAL ISSUES

In an Engineering News -Record editorial of August 26 titled "Labor Relations and the Law," *ENR* editors crystalized some of the major problems facing the industry today. ENR said that in the past few weeks union pickets had shut down $70 million worth of Army construction work because Army personnel were not being paid Davis-Bacon "prevailing" wages. Unions were responsible for pickets and threats of violence against a black contractor on a $93 million project in Baltimore. And DOT had promoted the use of owner-negotiated project labor agreements for Mass Transit work.

> "If the protection of the Davis-Bacon Act is to be extended beyond contract construction work, if the law on minority set aside programs is to be changed, if the ban on unionization from the top down is to be repealed, if mass transit is to be made a union domain, and if the civil rights of black or open shop contractors are to be set aside, only Congress can do it.
>
> There may be more than one way to skin a cat, but anarchy is not one of them."

THE HAPPY RETURNS ARE YOURS

Look for "Happy Birthday To Us" ads in Convention week issues of Business Week magazine and Engineering News-Record magazine. ABC is telling construction contractors and potential members that while we are considered the new kid on the block, we are 25 years old and 10,000 members strong.

GOVERNMENT SEEKS ABC'S JOB SAFETY PROGRAM

The [illegible] government has requested ABC to allow them translate the copyrighted Job Safety Analyses (JSA) program into Portuguese. Negotiations are currently underway.

NCIC WANTS OFFICE OF CONSTRUCTION IN U.S. DEPARTMENT OF COMMERCE

The National Construction Industry Council headed by NCIC Chairman Philip Abrams (ABC's Past President) agreed at their August meeting to push for a Federal Office of Construction charged with gathering industry statistics, economic analyses, coordinating research, and serving as a liaison office with the Congress and other regulatory agencies. The creation of the office of construction would not require legislation. NCIC is made up of 30-member associations that spend most of their time discussing how not to discuss labor relations.

UNIONS WANT SOLDIERS PAID DAVIS-BACON RATES FOR TRAINING

A laborer's local was successful in shutting down more than $70 million in construction work for 12 days at a military base because they felt soldiers should be paid Davis-Bacon rates while they paved a small parking lot for training. A $40 million barracks project, a $20 million hospital expansion project, a $2 million dining hall renovation and a $1.4 million dental facility were shut down because 500 union workers would not cross the laborers picket lines. An Army spokesman called the project a "small training project." This demonstration of union responsibility took place at Ft. Leonard Wood, Mo.

BUILDING TRADES SPEND FOR CARTER

The AFL-CIO building trades unions have fallen in line behind Jimmy Carter along with other AFL-CIO unions and C.O.P.E. George Meany says the full political apparatus of the AFL-CIO's committee on political education will be deployed in behalf of Carter and also for the campaign of labor-endorsed congressional candidates.

ABC REVIEWS UNION VIOLENCE WITH SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Discussions on the need for legislation to correct the reoccurring problem of construction site crimes are underway between ABC and the U. S. Senate Permanent Subcommittee on Investigations. ABC's Director of Legal Rights and Strategy and Field Representative are conducting a series of meetings with the Subcommittee's staff at ABC's National Headquarters and on Capitol Hill.

CONSTRUCTION'S PRODUCTIVITY WOES AFFECT ALL

With no other groups able to report much success in improving productivity in the construction industry, the Nation's civil engineers have become the most recent industry group to re-emphasize the need for major improvements in construction productivity. At a recent Chicago productivity conference, a group of mostly fellows of the American Society of Civil Engineers heard speakers say the problems in productivity are not confined to construction phases but are potentially widespread in design phases as well, which is where housecleaning should begin.

Areas of crucial concern affecting productivity in the design professions include wasted design time, including redesign efforts, and government regulations. The group called for better data so that productivity can more accurately be measured.

JOINT MINORITY CONFERENCE SCHEDULED

Transportation Secretary William Coleman will be guest speaker at the opening session of the Annual Joint Minority Conference September 23-25 in Washington, D. C. The conference, sponsored by organizations representing minority contractors, architects, mortgage bankers, real estate brokers, housing specialists, and consulting engineers, will focus on political campaign issues affecting minorities in business and industry, economic trends, federal and local government programs and other conference topics.

PRESIDENTIAL APPOINTMENTS

The Senate confirmed John Penello to a second five year term on the NLRB, ABC supported Penello. The nomination of Thomas Longshore, whom ABC supported, to the Board of Tennessee Valley Authority was rejected in Committee by a vote of 8 to 6.

OSHA

Legislation (S 3182) to provide on-site consultation services to assist business in complying with OSHA regulations remains in the Senate Labor Committee. Senator Taft (R-Ohio), the primary sponsor of the bill, is expected to make an effort to attach it as a rider to some other legislation in hopes of getting favorable consideration sometime this year. The Taft measure is identical to the House-passed version (H.R. 3618).

CLEAN AIR ACT

A bitter struggle is expected when the controversial Clean Air bill (H.R. 10498) reaches the House floor the week of August 30. ABC supports Representative Bill Chappell's amendment to delete Section 109 (no growth standards resulting in land use control) from the bill. The Senate passed version of the bill (S. 3219) includes the no growth provisions.

MINIMUM WAGE

The AFL-CIO is attempting to rally a coalition of Democrat and Republican Representatives to move the Minimum Wage bill (H.R. 10130) which is stalled in the House Labor Committee. The bill would increase the minimum wage to $3.00/hr. and grant overtime at the rate of double time and a half over 40 hours.

REVENUE SHARING

An amendment offered by Senators Fannin and Dole to strike application of the Davis-Bacon Act to projects financed under Revenue Sharing was rejected during markup in the Senate Finance Committee. An amendment by Senator Nelson to broaden Davis-Bacon coverage was also defeated. We expect similar efforts to take place on the Senate floor when the Revenue Sharing Bill is considered as early as September 8. Please wire or phone your Senators urging them to support the Dole/Fannin amendment to eliminate Davis-Bacon coverage under Revenue Sharing.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 274 (76)
James A. Federline. Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 13, 1978, the Commission determined by a vote of 5-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Approve the changes listed in the General Counsel's Report dated September 6, 1978 and incorporated into the conciliation agreement attached to the same report.

2. Approve the letter attached to the General Counsel's Report dated September 6, 1978.

Voting for these determinations were Commissioners Harris, Springer, Staebler, Thomson, and Tiernan.

9/14/78 Marjorie W. Emmons
Date Marjorie W. Emmons
Secretary to the Commission

Report signed: 9-8-78
Received in Office of Commission Secretary: 9-8-78, 5:05
Circulated on 48 hour vote basis 9-11-78, 4:00

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September 6, 1978

MEMORANDUM TO: Margo Simons

FROM: Melissa T. Carr

SUBJECT: MUR 274

Please have the attached General Counsel's Report on MUR 274 distributed to the Commission on a 48 hour tally basis.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION
September 6, 1978

In the Matter of	)	
	)	MUR 274 (76)
James A. Federline, Inc.	)	

GENERAL COUNSEL'S REPORT

I. SUMMARY OF PRIOR PROCEEDINGS AND ANALYSIS

This matter arose in October of 1976 as a result of a complaint alleging that James. A. Federline, Inc. (hereinafter, "Federline"), a construction contracting firm, distributed a notice to its employees advocating the election of a clearly identified candidate. This notice was sent to Federline by a construction industry trade association, Associated Builders and Contractors, Inc. (hereinafter, "ABC"). Following the conclusion of an extensive investigation that was described in our report to the Commission of March 1, 1978, the Commission found reasonable cause to believe that both Federline and ABC had violated 2 U.S.C. §441b(b)(2)(A). The Commission approved a conciliation agreement with ABC on June 9, 1978.

On March 29, 1978, the Commission approved a proposed conciliation agreement with Federline and negotiations began. A meeting with counsel was held on May 22, 1978. The course of these negotiations, which culminated in our receipt of a counterproposal on July 13, 1978, was detailed in our report to the Commission of August 8, 1978. Further negotiations were held

and the General Counsel sent a further revised agreement to the respondent's counsel on August 7, 1978. By letter of August 29, 1978, Federline, through counsel, informed us that this agreement was acceptable (see agreement attached as exhibit 1).

This agreement retains the civil penalty in the amount that the Commission had proposed, $250 (see paragraph V). Given Federline's part in the violation, we think the changes in this are minor and consistent with the evidence. The changes have been noted on the attached copy of the agreement and are summarized below.

1. Clause I under the heading "General Conditions" has been added to reflect the respondent's cooperation with the Commission throughout our investigation of the matter.
2. The addition of Clause II under the heading of "General Conditions" states that the agreement shall not be construed as an admission that Respondent knowingly or willfully violated the Act.
3. Clause IV under "General Conditions" heading is an expanded version of that which appeared in the original agreement. The President of the respondent, James A. Federline, while agreeing to serve as a witness for the Commission in the event of a law-suit arising out of this matter, wishes to state that he is not waiving any of his constitutional rights by so agreeing. This clause was originally

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included in the belief that the other respondent in this matter would not conciliate successfully with the Commission. The Commission's approval of a conciliation agreement with the other respondent on June 9, 1978 and the subsequent closure of that matter has made this clause a moot point.

II. RECOMMENDATIONS

1. We recommend that the Commission approve the aforementioned changes which are incorporated into the conciliation agreement attached as exhibit 1 hereto.

2. Approve the attached letter.

9/8/78
Date

William C. Oldaker
General Counsel

Attachment

1. Conciliation Agreement
2. Letter to Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION
September 7, 1978

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc. et al.)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline, Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

7904009301 8

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent agrees:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b(b)(2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g (a)(6)(B).

General Conditions:

New Clause

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter.

New Clause

II. This agreement shall in no manner be construed as an admission by the respondent that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

III. 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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

Changed Clause

IV. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

VI. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement become effective

to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:

1. Notice of Federal Election
2. SCOOP

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7 9 0 4 0 0 9 3 0 2 2

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer real power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
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7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government allotted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
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YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

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ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

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Additional copies of this piece are available from your chapter office. If you are a member-at large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14(b)) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 4333 • WASHINGTON, D.C. 20012

common situs bill would be presented in the John Dunlop form if they are in the White House. The Carter aides said they believed a two title common situs bill would be considered a trade off. The Association representatives said they opposed common situs in any form. In general, the Carter economic policy calls for more federal spending, stand by wage price controls, a $200 billion spending platform, more power to national unions and the elimination of competition between states for new business.

One construction association representative summed the meeting up when he said: "If this is what they think a pro-competition policy is, their thinking is fuzzy, not the issues."

23 CONSTRUCTION GROUPS OPPOSE MASS TRANSIT "NO-STRIKE" PLAN

The U. S. Department of Transportation (DOT) has established a policy of requiring, or at least urging, no-strike agreements on Urban Mass Transit Administration (UMTA) construction projects. Besides restricting free competition, the plan forces open or Merit Shop contractors away from such work. The history of no-strike agreements is strewn with unenforceability, contract violations and lower productivity followed by cost inflation. The agreements appear to be illegal, unconstitutional, wasteful and immoral. ABC, working with an ad hoc group of 23 other construction associations calling themselves the "Mass Transit Agreement Interest Group," met with DOT Secretary Coleman in an attempt to reverse DOT policy. ABC chapters where UMTA projects are now underway have challenged local UMTA and state DOT regulations. ABC presented a position paper opposing the anti-competitive agreements to Secretary Coleman. At the meeting, Secretary Coleman said the policy would be changed to exempt open shop contractors from having to comply with the agreements.

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ENGINEERING NEWS RECORD EDITORIAL CRYSTALIZES CONSTRUCTIONS REAL ISSUES

In an Engineering News-Record editorial of August 26 titled "Labor Relations and the Law," ENR editors crystalized some of the major problems facing the industry today. ENR said that in the past few weeks union pickets had shut down $70 million worth of Army construction work because Army personnel were not being paid Davis-Bacon "prevailing" wages. Unions were responsible for pickets and threats of violence against a black contractor on a $93 million project in Baltimore. And DOT had promoted the use of owner-negotiated project labor agreements for Mass Transit work.

> "If the protection of the Davis-Bacon Act is to be extended beyond contract construction work, if the law on minority set aside programs is to be changed, if the ban on unionization from the top down is to be repealed, if mass transit is to be made a union domain, and if the civil rights of black or open shop contractors are to be set aside, only Congress can do it.
>
> There may be more than one way to skin a cat, but anarchy is not one of them."

THE HAPPY RETURNS ARE YOURS

Look for "Happy Birthday To Us" ads in Convention week issues of Business Week magazine and Engineering News-Record magazine. ABC is telling construction consumers and potential members that while we are considered the new-kid-on-the-block, we are 25 years old and 10,000 members strong.

BRAZILIAN GOVERNMENT SEEKS ABC'S JOB SAFETY PROGRAM

The Brazilian government has requested ABC to allow them to translate the copyrighted Job Safety Analyses (JSA) program into Portuguese. Negotiations are currently underway.

NCIC WANTS OFFICE OF CONSTRUCTION IN U.S. DEPARTMENT OF COMMERCE

The National Construction Industry Council headed by NCIC Chairman Philip Abrams (ABC's Past President) agreed at their August meeting to push for a Federal Office of Construction charged with gathering industry statistics, economic analyses, coordinating research, and serving as a liaison office with the Congress and other regulatory agencies. The creation of the office of construction would not require legislation. NCIC is made up of 30-member associations that spend most of their time discussing how not to discuss labor relations.

UNIONS WANT SOLDIERS PAID DAVIS-BACON RATES FOR TRAINING

A laborer's local was successful in shutting down more than $70 million in construction work for 12 days at a military base because they felt soldiers should be paid Davis-Bacon rates while they paved a small parking lot for training. A $40 million barracks project, a $20 million hospital expansion project, a $2 million dining hall renovation and a $1.4 million dental facility were shut down because 500 union workers would not cross the laborers picket lines. An Army spokesman called the project a "small training project." This demonstration of union responsibility took place at Ft. Leonard Wood, Mo.

BUILDING TRADES SPEND FOR CARTER

The AFL-CIO building trades unions have fallen in line behind Jimmy Carter along with other AFL-CIO unions and C.O.P.E. George Meany says the full political apparatus of the AFL-CIO's committee on political education will be deployed in behalf of Carter and also for the campaign of labor-endorsed congressional candidates.

ABC REVIEWS UNION VIOLENCE WITH SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Discussions on the need for legislation to correct the reoccurring problem of constuction site crimes are underway between ABC and the U. S. Senate Permanent Subcommittee on Investigations. ABC's Director of Legal Rights and Strategy and Field Representative are conducting a series of meetings with the Subcommittee's staff at ABC's National Headquarters and on Capitol Hill.

CONSTRUCTION'S PRODUCTIVITY WOES AFFECT ALL

With no other groups able to report much success in improving productivity in the construction industry, the Nation's civil engineers have become the most recent industry group to re-emphasize the need for major improvements in construction productivity. At a recent Chicago productivity conference, a group of mostly fellows of the American Society of Civil Engineers heard speakers say the problems in productivity are not confined to construction phases but are potentially widespread in design phases as well, which is where housecleaning should begin.

Areas of crucial concern affecting productivity in the design professions include wasted design time, including redesign efforts, and government regulations. The group called for better data so that productivity can more accurately be measured.

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JOINT MINORITY CONFERENCE SCHEDULED

Transportation Secretary William Coleman will be guest speaker at the opening session of the Annual Joint Minority Conference September 23-25 in Washington, D. C. The conference, sponsored by organizations representing minority contractors, architects, mortgage bankers, real estate brokers, housing specialists, and consulting engineers, will focus on political campaign issues affecting minorities in business and industry, economic trends, federal and local government programs and other conference topics.

PRESIDENTIAL APPOINTMENTS

The Senate confirmed John Penello to a second five year term on the NLRB, ABC supported Penello. The nomination of Thomas Longshore, whom ABC supported, to the Board of Tennessee Valley Authority was rejected in Committee by a vote of 8 to 6.

OSHA

Legislation (S 3182) to provide on-site consultation services to assist business in complying with OSHA regulations remains in the Senate Labor Committee. Senator Taft (R-Ohio), the primary sponsor of the bill, is expected to make an effort to attach it as a rider to some other legislation in hopes of getting favorable consideration sometime this year. The Taft measure is identical to the House-passed version (H.R. 8618).

CLEAN AIR ACT

A bitter struggle is expected when the controversial Clean Air bill (H.R. 10498) reaches the House floor the week of August 30. ABC supports Representative Bill Chappell's amendment to delete Section 109 (no growth standards resulting in land use control) from the bill. The Senate passed version of the bill (S. 3219) includes the no growth provisions.

MINIMUM WAGE

The AFL-CIO is attempting to rally a coalition of Democrat and Republican Representatives to move the Minimum Wage bill (H.R. 10130) which is stalled in the House Labor Committee. The bill would increase the minimum wage to $3.00/hr. and grant overtime at the rate of double time and a half over 40 hours.

REVENUE SHARING

An amendment offered by Senators Fannin and Dole to strike application of the Davis-Bacon Act to projects financed under Revenue Sharing was rejected during markup in the Senate Finance Committee. An amendment by Senator Nelson to broaden Davis-Bacon coverage was also defeated. We expect similar efforts to take place on the Senate floor when the Revenue Sharing Bill is considered as early as September 8. Please wire or phone your Senators urging them to support the Dole/Fannin amendment to eliminate Davis-Bacon coverage under Revenue Sharing.

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Michael Tobin, Esquire
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Maryland 20910

Re: MUR 274 (76)

Dear Mr. Tobin:

Enclosed for your client's signature is a copy of the conciliation agreement which the Commission would accept in the above-referenced matter. You will note that the agreement is identical to the one which you indicated your client would sign in your letter of August 29, 1978.

Please advise your client that its check, in the amount of two hundred and fifty dollars ($250), should be made payable to the order of the "Treasurer of the United States," and forwarded to the Commission.

If you have any questions, please contact Gary D. Lipkin at 523-4529.

Thank you for your cooperation.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

4737

LAW FIRM

SHULMAN, ROGERS, GANDAL & TOBIN, P.A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
CHARLES MICHAEL TOBIN
KARL L. ECKER

DAVID A. PORDY*
MARTIN P. SCHAFFER"
ROBERT O. JOHNSTON*
FRED B. KLEIN
CHRISTOPHER C. ROBERTS
A. RICHARD SLOANE

MONTGOMERY CENTER
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910
(301) 565-4400

WASHINGTON OFFICE
SUITE 516
1156 15TH STREET, N.W.
WASHINGTON, D.C. 20005
(202) 872-1808

* VA. ALSO
" NOT ADMITTED IN D.C.

'78 SEP 4 AM 11:51

August 29, 1978

Gary Lipkin, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

005850

Re: MUR 274(76)
Our File No. 37-001-115

Dear Mr. Lipkin:

We have reviewed the proposed Conciliation Agreement forwarded to us as an enclosure to Mr. Oldaker's letter of August 7, 1978, and inform you that the proposed Conciliation Agreement is acceptable to our client, James A. Federline, Inc.

If approved by the Commission, James A. Federline, Inc. will sign the Conciliation Agreement and abide by its terms.

Sincerely yours,

SHULMAN, ROGERS, GANDAL & TOBIN, P.A.

By
Charles Michael Tobin

CMT/sf

LAW FIRM
SHULMAN, ROGERS, GANDAL & TOBIN, P. A.
MONTGOMERY CENTER
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910

Gary Lipkin, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
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8630 FENTON STREET · SUITE 430
SILVER SPRING, MARYLAND 20910
(301) 565-4400 (202) 872-1808

AGC # 4664

RECEIVED
FEDERAL ELECTION COMMISSION

'78 AUG 28 AM 9 52

Date August 24, 1978

Subject JAFI v. FEC

Our File No. 37-001-115

Re: MUR 274 (76)

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

☐ IMMEDIATE REPLY REQUESTED ☐ NO REPLY NECESSARY

FOLD

9004030

message

Dear Mr. Oldaker:

005736

We are in receipt of your letter of August 7, 1978 to Mr. Tobin. However, he is presently out of the office. On his return, he will respond to your letter.

Sandra P. Fisher

Sandra P. Fisher, Secretary to
Charles Michael Tobin

SIGNED

reply DATE

/sf

SIGNED

RECIPIENT RETURN PINK COPY

[redacted]

[redacted]

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

DATE: AUGUST 9, 1978

SUBJECT: MUR 274 - Interim Status Report
dated: 8-4-78
Received in Office of Commission
Secretary: 8-7-78, 5:03

The above-named document was circulated on a 24 hour no-objection basis at 4:00 p.m. on August 8, 1978.

The Commission Secretary's Office has received no objections to the Interim Status Report as of 4:00 this date.

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August 7, 1979

Memorandum To: Margo Behan

From: Eileen C. Carr

Subject: NUREG 0774

Please have the attached Seismic Status Report on NUREG 0774 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7904000303

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
) MUR 274 (76)
James A. Federline, Inc.)

Interim Status Report

This matter arose in October of 1976 as a result of a complaint alleging that the respondent (hereinafter "Federline"), a construction contracting firm, distributed a notice advocating the election of a clearly identified candidate to all of its employees. Following the conclusion of an extensive investigation that was described in our report to the Commission of March 1, 1978, the Commission found reasonable cause to believe that Federline and the organization that disseminated the notice, Associated Builders and Contractors, Inc., had violated 2 U.S.C. §441b (b) (2) (A). The Commission approved a conciliation with Associated Builders and Contractors, Inc., on June 9, 1978.

Counsel for Federline was provided with a copy of a proposed conciliation agreement which was approved by the Commission on March 29, 1978. A meeting with counsel was held on May 22, 1978. These negotiations resulted in our receipt of a counterproposal on July 13, 1978. The changes suggested by the respondent's counsel are, for the most part, minor. However, the "Wherefore" clause was changed to indicate that rather than "agreeing" that an expenditure in connection with a federal election was made, the respondent would " not contest " the Federal Election Commission's

7 9 0 4 0 0 9 3 0

contention that such an expenditure was made.

Further negotiations are being conducted to see whether an agreement that contains satisfactory language for an admission of this violation can be reached by the en of this month.

8/4/78
Date

William C. Oldaker
General Counsel

7904090305

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 7, 1978

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RETURN RECEIPT REQUESTED

Charles Michael Tobin, Esq.
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Md. 20910

Re: MUR 274 (76)

Dear Mr. Tobin:

Pursuant to your recent conversation with David Spiegel, we are enclosing, for your approval, a copy of a proposed conciliation agreement incorporating the changes discussed. If you desire to discuss this matter further, please contact Mr. Spiegel or Gary D. Lipkin at 523-4529.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

enclosure

MUR 274 - GL

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

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

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

2. ARTICLE ADDRESSED TO: Charles Michael Tobin, Esq. Shulman, Rogers, Gandal & Tobin, P.A. 8630 Fenton St, Suite 430 Silver Spring, Md.

3. ARTICLE DESCRIPTION: REGISTERED NO. ____ CERTIFIED NO. 438046 INSURED NO. ____
(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8-8-78 — POSTMARK AUG 8 1978

5. ADDRESS (Complete only if requested)
8630 Fenton St. Suite 430 Silver Spring, Md.

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO 1977—O-234 337

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc. et al.) MUR 274 (76)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. § 441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline, Inc., having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees. The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees receied a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent agrees:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. § 441b(b)(2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. § 437g(a)(6)(B).

General Conditions:

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter.

II. This agreement shall in no manner be construed as an admission by the respondent that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

III. 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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

IV. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

VI. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement become effective to comply with and implement the requirements contained therein and to so notify the Commission.

Conciliation Agreement (cont'd)

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:
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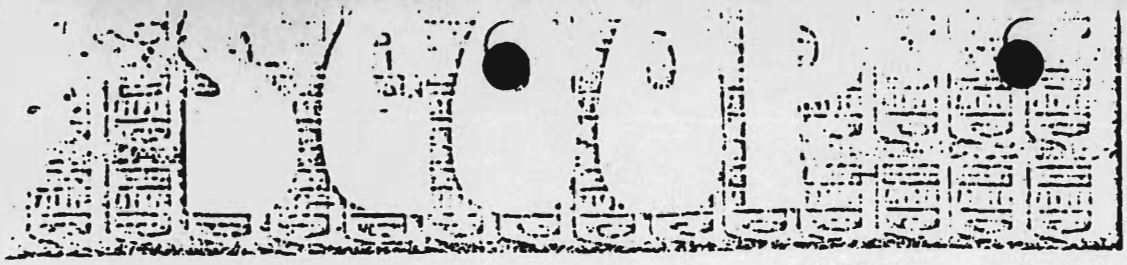
PAID
POLITICAL
ADV.



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September 8, 1976

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Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14(b)) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC
P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-796-2751

LAW FIRM
SHULMAN, ROGERS, GANDAL & TOBIN, P. A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
CHARLES MICHAEL TOBIN
KARL L. ECKER

DAVID A. PORDY*
MARTIN P. SCHAFFER"
ROBERT O. JOHNSTON*
FRED B. KLEIN
CHRISTOPHER C. ROBERTS
A. RICHARD SLOANE

MONTGOMERY CENTER
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910
(301) 565-4400

WASHINGTON OFFICE
SUITE 515
1156 15TH STREET, N.W.
WASHINGTON, D.C. 20005
(202) 872-1808

* VA. ALSO
" NOT ADMITTED IN D.C.

RECEIVED
FEDERAL ELECTION
'78 JUL 13 PM 1:28

July 12, 1978

7 9 0 4 0 0 9 2 0 4 7

994451

Mr. Gary Lipkin
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: Our File No. 37-001-115

Dear Mr. Lipkin:

Enclosed please find the proposed Conciliation Agreement.

Sincerely,

SHULMAN, ROGERS, GANDAL & TOBIN, P.A.

By
Charles Michael Tobin

CMT/sf
Enclosure

RECEIVED
FEDERAL ELECTION

BEFORE THE FEDERAL ELECTION COMMISSION

'78 JUL 13 PM 1:23

March 8, 1978

In the Matter of	)	
	)	MUR 274 (76)
James A. Federline, Inc. et al.	)	
	)	

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline, Inc. violated 2 U.S.C. §441b(b) (2) (A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g (a) (5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent recognizes that the Federal Election Commission contends and it does not now contest:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b (b) (2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g(a) (6) (B).

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 the agreement. If the Commission believes that this agreement has been violated, it may institute a civil action for enforcement in the United States District Court for the District of Columbia.

II. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of the matters which are the subject of this Conciliation Agreement, but James A. Federline does not hereby waive any constitutional protection or right to which he would be entitled in the absence of this agreement.

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

IV. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. SCOOP

7 9 0 4 0 0 9 3 0 4 7

RECEIVED
FEDERAL ELECTION
COMMISSION

'78 JUL 13 PM 1:28

SHULMAN, ROGERS, GANDAL
& TOBIN, P. A.
8630 FENTON STREET, SUITE 430
SILVER SPRING, MARYLAND 20910

To:

Mr. Gary Lipkin
Office of General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D.C. 20463

JUN 9 1978

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan P. Dye, Esq.
Webster and Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274

Dear Mr. Dye:

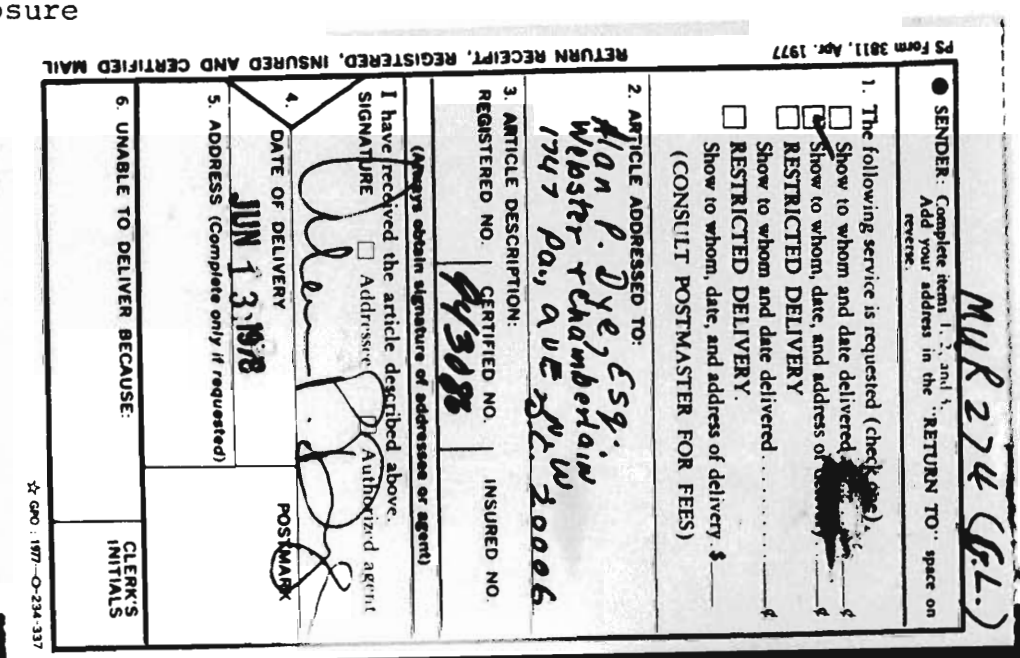
This is to notify you that the conciliation agreement in the above-referenced matter for Associated Builders and Contractors, Inc., (ABC) has been signed. As the Commission has received ABC's check in the amount of five hundred dollars ($500) in full payment of the penalty imposed by the agreement, the matter is now closed. A copy of the signed agreement is enclosed for your convenience.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure



BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1978

In the Matter of Associated Builders and Contractors, Inc.	)))	MUR 274(76)

Conciliation Agreement

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted, and reasonable cause to believe having been found that respondent Associated Builders and Contractors, Inc. (hereinafter ABC) violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent ABC, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. Respondent ABC is an incorporated trade association with headquarters in Washington, D.C.

B. That during the fall of 1976, respondent ABC's membership consisted solely of 9,548 contractors and subcontractors in

the construction business that were organized into 50 chapters.

C. That in September of 1976, Respondent caused to be printed 409,000 payroll stuffers entitled "Notice of Federal Election" (copy attached). The notice compared and summarized the positions of Gerald Ford and Jimmy Carter on a variety of issues.

D. That the notice was included in the regular mailing of ABC's Scoop newsletter for September 8, 1976. The newsletter, which was sent to each member, contained the following request:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That respondent caused 25 copies of the notice to be mailed to each member. That respondent ABC has indicated that it also mailed one thousand (1000) copies of the notice to each of certain of its chapters along with copies of the newsletter.

F. That if a member firm or chapter required additional copies, they were supplied by Respondent.

G. That Respondent has indicated that it believes that approximately 120,000 copies of the notice were destroyed.

H. That the cost of printing all of the notices was $1,756.04. The cost of those copies mailed to members was approximately $1240. The cost of distributing the notices to members was $325.00.

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries

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by the Commission.

WHEREFORE, respondent ABC agrees:

IV. That the costs involved in the printing and distribution of the notice were in connection with a federal election, and therefore constitute expenditures within the meaning of 2 U.S.C. §441(b)(2)(A).

V. That these expenditures do not fall within the communication exemption of 2 U.S.C. §441(b)(2)(A).

VI. That it will pay a civil penalty in the amount of $500.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS:

I. This agreement shall in no manner be construed as an admission by the respondents that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

II. The Commission, on request of any one 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.

III. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed

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same and the Commission has approved the entire agreement.

IV. It is agreed that respondent ABC shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

Associated Builders & Contractors, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. Bill from Reese Press, Inc.
3. Bill from Arundel Mailing
4. SCOOP

7904009305?

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common-situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEBT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.

9 0 4 1 9 3 0 5 3

5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government piloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

REESE PRESS, INC.

CANDLER BUILDING ■ 714 EAST PRATT STREET ■ BALTIMORE ■ MARYLAND 21202 ■ 301/539-5774
WASHINGTON: ENTERPRISE 1-5774

SOLD TO
Asso. Bldrs. & Contractors, Inc.
P.O. Box 8733
Balto.-Wash. International
Airport, Maryland 21240

CUSTOMER'S ORDER NO.	OUR ORDER NO.	TERMS:	INVOICE DATE
	559	Net 30 Days	September 21, 1976

409,000 - Bill Stuffers
Printed 2 Sides in
Black Ink

$1,688.50
67.54 TAX

$1,756.04 TOTAL

PR-74

Amount $ 1756.04
Post to A/C 58-25
By [illegible] Date [illegible]
Checked By
CR | CD [illegible] | J. E.

A monthly interest charge of 1½ % will be made on the unpaid balance on accounts over thirty (30) days old.

ARUNDEL MAILING

Direct Mail Service

UP-TO-DATE LISTS • INSERTIONS • FOLDING • ADDRESSING • MAILING

921 E. FORT AVE. BALTIMORE, MD. 21230

PHONE 837-3659

Assoc. Builders & Cont.
P.O. Box 8733
Baltimore Inter'l Airport
Baltimore Maryland 21240

Job # 1037
Inv # 8650

Sept 10,1976

SCOOP SEPT 8,1976

9548-labels applied to envelopes,scoop brochure inserted plus 25 copies of "Notice of Federal Election" which had to be separated by slip sheet,inserted with Scoop,envelopes sealed tied,bagged and delivered to the post office at 50.00 per M

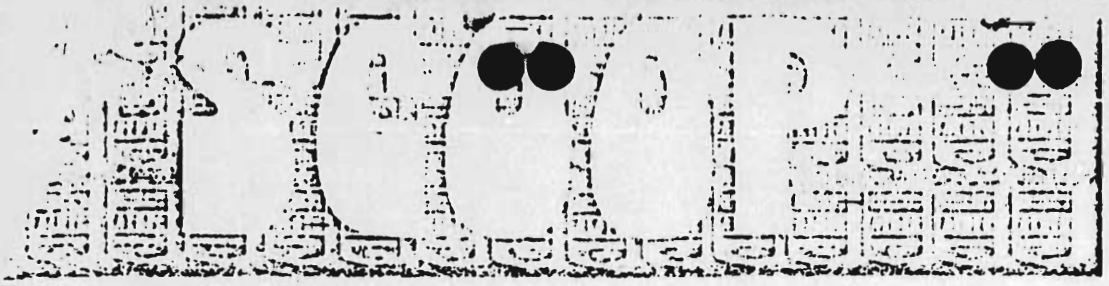
$477.40

10-28 - 152.40
8-28 - 325.00
477.40

P.R.

P.R. portion to be billed at 34¢ per thousand
Scoop " to be " at 16¢ " "

Amount $
Post to AIC
By Date
Checked By
CR | CD | J.E.



NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14(b)) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-859-3750

MARYLAND NATIONAL BANK
BALTIMORE, MD.

ASSOCIATED BUILDERS AND CONTRACTORS, Inc. 2444

SUITE 409
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001

7-16
520

REGISTERED 500.00

PAY _____

TO THE ORDER OF Treasurer of the United States

DATE	NET CHECK
5-19-78	500.00

ASSOCIATED BUILDERS AND CONTRACTORS, INC.

_____ AUTH. SIG.

_____ AUTH. SIG.

⑆0520⑆0016⑆ ⑆21⑆101 0⑈

REFERENCE	AMOUNT
2444	500 00
CHECK NO. / DISCOUNT	GROSS

IN PAYMENT OF THE ABOVE INVOICE(S)
PLEASE DETACH BEFORE DEPOSITING

ASSOCIATED BUILDERS AND CONTRACTORS, INC.
SUITE 409
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001

2444 520 1600 1007

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Associated Builders and)
Contractors, Inc.)

MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 31, 1978, the Commission accepted by a vote of 5-1 the information in the memorandum from the General Counsel, dated May 25, 1978, regarding the conciliation agreement signed by the respondent and the check in the amount of $500.

Commissioner Aikens dissented.

Date: 6/1/78

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-26-78
Circulated on 48 hour vote basis: 5-30-78, 1:30

7904009358

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 1, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: Commissioner Aikens Objection to MUR 274

Attached you will find a copy of Commissioners Aikens' vote sheet showing her objection and request that MUR 274 not be placed on the agenda.

ATTACHMENTS:
Vote Sheet
Certification

7 9 0 4 0 0 9 3 0 5 9

48 HOUR TALLY SHEET

You voted against RCTB on this. Similar to Chamber of Commerce "How They Voted"?

FEDERAL ELECTION COMMISSION

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

Date and Time Transmitted: 1:30 May 30, 1978

Commissioner Aikens

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 1:30 JUNE 1, 1978

MUR No. Conciliation Agreement in MUR 274 (76)

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: "No" vote - Do not place on agenda

Date: 5/31/78 Signature: F D Aikens

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

78 MAY 31 P12:12

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

78 MAY 31 P12:12

RECEIVED
OFFICE OF THE

7 9 0 4 0 0 9 3 0 6 0

May 26, 1978

MEMORANDUM TO: Margo Melcher

FROM: Elliot T. Beck

SUBJECT: MUR 274

Please have the attached Memo and conciliation agreement in MUR 274 distributed to the Commission on a 48 hour tally vote basis.

Thank you.

7904009306 1

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Memorandum To: The Commission

From: William C. Oldaker

Date: May 25, 1978

Re: Conciliation Agreement in MUR 274 (76)

Attached hereto for your information is a copy of the conciliation agreement in the above-captioned matter which was approved in its present form by the Commission on April 3, 1978. The agreement has been signed by the respondent and a check, in the amount of five hundred dollars ($500) has been received. This matter will be closed when my signature is affixed.

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DOC 3630

RECEIVED
FEDERAL ELECTION
COMMISSION

'78 MAY 23 PM 2:24

FEDERAL ELECTION COMMISSION

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

April 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan P. Dye, Esquire
Webster and Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274 (76)

Dear Mr. Dye:

Pursuant to your recent telephone conversation with Gary D. Lipkin of the staff of the Office of the General Counsel, I enclose a copy of the conciliation agreement in the above-captioned matter for signature.

Please advise your client that their check, in the amount of five hundred dollars ($500) made payable to the order of the "Treasurer of the United States," should be forwarded to us along with the signed agreement.

If you have any questions, please contact Mr. Lipkin at 523-4529.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

802989

BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1978

In the Matter of Associated Builders and Contractors, Inc.	)))	MUR 274(76)

Conciliation Agreement

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted, and reasonable cause to believe having been found that respondent Associated Builders and Contractors, Inc. (hereinafter ABC) violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent ABC, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. Respondent ABC is an incorporated trade association with headquarters in Washington, D.C.

B. That during the fall of 1976, respondent ABC's membership consisted solely of 9,548 contractors and subcontractors in

7 9 0 4 0 0 9 3 0 6 4

the construction business that were organized into 50 chapters.

C. That in September of 1976, Respondent caused to be printed 409,000 payroll stuffers entitled "Notice of Federal Election" (copy attached). The notice compared and summarized the positions of Gerald Ford and Jimmy Carter on a variety of issues.

D. That the notice was included in the regular mailing of ABC's Scoop newsletter for September 8, 1976. The newsletter, which was sent to each member, contained the following request:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That respondent caused 25 copies of the notice to be mailed to each member. That respondent ABC has indicated that it also mailed one thousand (1000) copies of the notice to each of certain of its chapters along with copies of the newsletter.

F. That if a member firm or chapter required additional copies, they were supplied by Respondent.

G. That Respondent has indicated that it believes that approximately 120,000 copies of the notice were destroyed.

H. That the cost of printing all of the notices was $1,756.04. The cost of those copies mailed to members was approximately $1240. The cost of distributing the notices to members was $325.00.

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries

by the Commission.

WHEREFORE, respondent ABC agrees:

IV. That the costs involved in the printing and distribution of the notice were in connection with a federal election, and therefore constitute expenditures within the meaning of 2 U.S.C. §441(b)(2)(A).

V. That these expenditures do not fall within the communication exemption of 2 U.S.C. §441(b)(2)(A).

VI. That it will pay a civil penalty in the amount of $500.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS:

I. This agreement shall in no manner be construed as an admission by the respondents that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

II. The Commission, on request of any one 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.

III. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed

7 9 0 4 1 0 0 9 3 0 6 6

same and the Commission has approved the entire agreement.

IV. It is agreed that respondent ABC shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

Associated Builders & Contractors, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. Bill from Reese Press, Inc.
3. Bill from Arundel Mailing
4. SCOOP

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
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WASHINGTON: ENTERPRISE 1-5774

SOLD TO:
Asso. Bldrs. & Contractors, Inc.
P.O. Box 8733
Balto.-Wash. International
Airport, Maryland 21240

CUSTOMER'S ORDER NO.	OUR ORDER NO.	TERMS:	INVOICE DATE
	559	Net 30 Days	September 21, 1976

409,000 - Bill Stuffers
Printed 2 Sides in
Black Ink

$1,688.50
67.54 TAX

$1,756.04 TOTAL

Amount $ 1756.04
Post to A/C 58-25
By [illegible] Date [illegible]
Checked By
CR | CD. | J. E.

A monthly interest charge of 1½% will be made on the unpaid balance on accounts over thirty (30) days old.

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PHONE 837-3659

Assoc. Builders & Cont.
P.O. Box 8733
Baltimore Inter'l Airport
Baltimore Maryland 21240

Job # 1037
Inv # 8650

Sept 10,1976

SCOOP SEPT 8,1976'

9548-labels applied to envelopes,scoop brochure inserted plus 25 copies of "Notice of Federal Election" which had to be separated by slip sheet,inserted with Scoop,envelopes sealed tied,bagged and delivered to the post office at 50.00 per M

$477.40

70 • 28 = 152.40
8 = 28 = 325.00 OK Bb
477.40

P.R.

P.R. portion to be billed at 34.00 per thousand
Scoop " to be " at 16.00 " "

Amount $			
Post to A/C			
By	Date		
Checked By			
CR	CD	J.E.	

477.40

15 x 8
25
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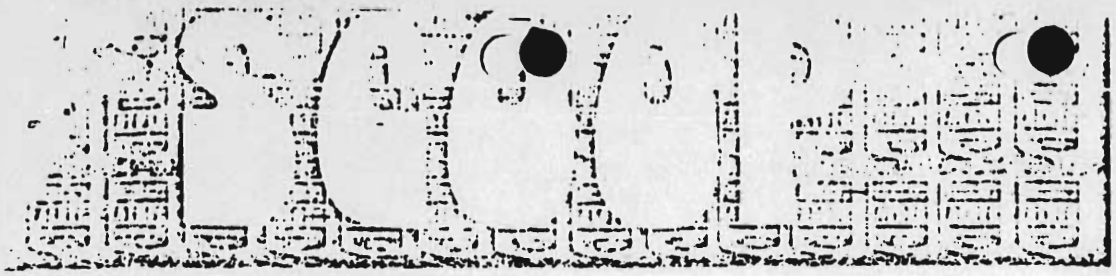
12 0 96
23 5 7 0 0



NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

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"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

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DOC 3630

RECEIVED
FEDERAL ELECTION
COMMISSION

FEDERAL ELECTION COMMISSION

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

'78 MAY 23 PM 2:24

April 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan P. Dye, Esquire
Webster and Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274 (76)

Dear Mr. Dye:

Pursuant to your recent telephone conversation with Gary D. Lipkin of the staff of the Office of the General Counsel, I enclose a copy of the conciliation agreement in the above-captioned matter for signature.

Please advise your client that their check, in the amount of five hundred dollars ($500) made payable to the order of the "Treasurer of the United States," should be forwarded to us along with the signed agreement.

If you have any questions, please contact Mr. Lipkin at 523-4529.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

802989

associated builders and contractors, inc.

SUITE 409 · 444 N. CAPITOL ST., N.W., WASHINGTON, D.C. · 20001

CERTIFIED

No. 637233

MAIL

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

ADDRESSEE...
HELP US KEEP YOUR
ADDRESS CORRECT

If address is wrong in any respect please correct directly on envelope and return to us. Thank you!

"Merit Shop Builds Best"

FEDERAL ELECTION COMMISSION

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

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Sincerely yours,

William C. Oldaker
General Counsel

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

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

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

2. ARTICLE ADDRESSED TO:
Alan Dye, Esquire
Webster & Chamberlain
1747 Pa. Ave., N.W. D.C. 20006

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 594507 | INSURED NO.
(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
5-2-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK

CLERK'S INITIALS

☆ GPO: 1977-O-234-337

MUR 274 1 of 2

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

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General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

April 3, 1978

In the Matter of Associated Builders and Contractors, Inc.	)))	MUR 274(76)

Conciliation Agreement

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted, and reasonable cause to believe having been found that respondent Associated Builders and Contractors, Inc. (hereinafter ABC) violated 2 U.S.C. §441b(b)(2)(A).

Now, therefore, the respective parties herein, the Federal Election Commission and the respondent ABC, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. Respondent ABC is an incorporated trade association with headquarters in Washington, D.C.

B. That during the fall of 1976, respondent ABC's membership consisted solely of 9,548 contractors and subcontractors in

7904009307 6

the construction business that were organized into 50 chapters.

C. That in September of 1976, Respondent caused to be printed 409,000 payroll stuffers entitled "Notice of Federal Election" (copy attached). The notice compared and summarized the positions of Gerald Ford and Jimmy Carter on a variety of issues.

D. That the notice was included in the regular mailing of ABC's Scoop newsletter for September 8, 1976. The newsletter, which was sent to each member, contained the following request:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That respondent caused 25 copies of the notice to be mailed to each member. That respondent ABC has indicated that it also mailed one thousand (1000) copies of the notice to each of certain of its chapters along with copies of the newsletter.

F. That if a member firm or chapter required additional copies, they were supplied by Respondent.

G. That Respondent has indicated that it believes that approximately 120,000 copies of the notice were destroyed.

H. That the cost of printing all of the notices was $1,756.04. The cost of those copies mailed to members was approximately $1240. The cost of distributing the notices to members was $325.00.

I. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries

by the Commission.

WHEREFORE, respondent ABC agrees:

IV. That the costs involved in the printing and distribution of the notice were in connection with a federal election, and therefore constitute expenditures within the meaning of 2 U.S.C. §441(b)(2)(A).

V. That these expenditures do not fall within the communication exemption of 2 U.S.C. §441(b)(2)(A).

VI. That it will pay a civil penalty in the amount of $500.00 pursuant to 2 U.S.C. §437g(a)(6)(B).

GENERAL CONDITIONS:

I. This agreement shall in no manner be construed as an admission by the respondents that it has knowingly or willfully violated any provision of the Federal Election Campaign Act of 1971, as amended.

II. The Commission, on request of any one 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.

III. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed

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same and the Commission has approved the entire agreement.

IV. It is agreed that respondent ABC shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

William C. Oldaker
General Counsel

Associated Builders & Contractors, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. Bill from Reese Press, Inc.
3. Bill from Arundel Mailing
4. SCOOP

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
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WASHINGTON: ENTERPRISE 1-5774

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P.O. Box 8733
Balto.-Wash. International
Airport, Maryland 21240

CUSTOMER'S ORDER NO.	OUR ORDER NO.	TERMS:	INVOICE DATE
	559	Net 30 Days	September 21, 1976

409,000 - Bill Stuffers
Printed 2 Sides in
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$1,688.50
67.54 TAX

$1,756.04 TOTAL

Amount $ 1756.54
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By [illegible] Date [illegible]
Checked By
CR | CD | J. E.

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PHONE 837-3659

Assoc. Builders & Cont.
P.O. Box 8733
Baltimore Inter'l Airport
Baltimore Maryland 21240

Job # 1037
Inv # 8650

Sept 10,1976

SCOOP SEPT 8,1976'

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8 - 28 = 325.00
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O/K Bob

Miller P.R.

P.R. portion to be billed at 3¢ per thousand
Scoop " to be " at 16⅔ " "

Amount $
Post to A/C
By Date
Checked By
CR | CD | J.E.

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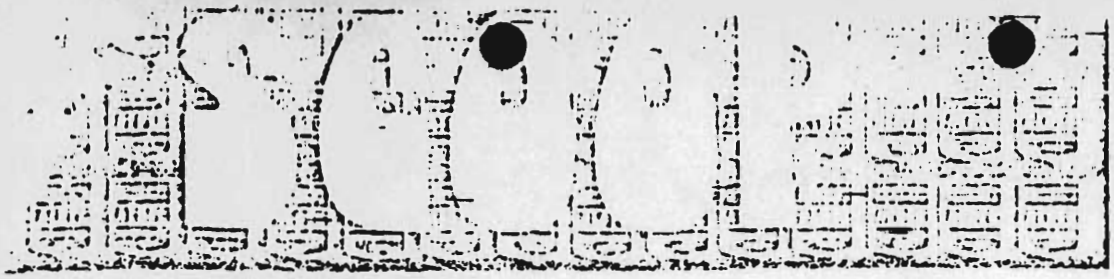
1573
1.096
235.100



NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

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P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-796-2750

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Associated Builders and) MUR 274 (76)
Contractors, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 19, 1978, the Commission determined by a vote of 4-1 to adopt the recommendation of the General Counsel to approve the amendments in the conciliation agreement as set forth in the General Counsel's Report signed April 14, 1978, and incorporated into the conciliation agreement attached as Exhibit 2 thereto in the above-captioned matter.

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

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: April 20, 1978

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BEFORE THE FEDERAL ELECTION COMMISSION

April 11, 1978

EXECUTIVE SESSION
April 19, 1978

In the Matter of	)	
	)	
	)	MUR 274 (76)
Associated Builders and Contractors, Inc.	)	
	)	

INTERIM CONCILIATION REPORT

I. Summary of Prior Proceedings

This matter arose in October of 1976, as a result of a complaint alleging that James A. Federline, Inc., a construction contracting firm, distributed a notice advocating the election of a clearly identified candidate to all of its employees. This notice compared the stances of Gerald Ford and Jimmy Carter on a variety of issues involved in the 1976 Presidential campaign and was allegedly written so as to favor Mr. Ford. Reason to believe that the Federline company had violated 2 U.S.C. §441b (b)(2)(A) was found on October 28, 1976.

Pursuant to the ensuing investigation, it was learned that the notice was financed, published, and disseminated by a trade association, Associated Builders and Contractors, Inc. (hereinafter, ABC), and a determination was made, on February 17, 1977, that there was reason to believe that ABC had violated 2 U.S.C. §441b(a)(2)(A). Following the conclusion of a further investigation that was described in our report to the Commission of March 1, 1978, the Commission found reasonable cause to believe that both the Federline company and ABC had violated 2 U.S.C. §441b (b)(2)(A). Subsequently, on March 30, 1978, we met with counsel for ABC and supplied him with a copy of a proposed conciliation agreement, approved by the Commission on March 29, 1978 (copy

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attached as Exhibit I). The negotiations resulted in our receipt of a counterproposal on April 3, 1978 (copy attached as Exhibit 2). The relevant differences between the counterproposal and our proposal are as follows:

1. The amount of the expenditure utilized in violation of the Act for the notice has been reduced to take into account the copies which were destroyed. This expenditure has been further modified to take into account the fact that part of the mailing cost was incurred in connection with the mailing of SCOOP, a regularly scheduled publication.
2. The penalty has been reduced to $500 from $2,233.
3. The statement characterizing the notice as non-educational has been removed.
4. A statement noting that the respondent's violation of the statute was not knowing or wilful has been added.
5. The balance of the modifications are minor and involve clarification of factual issues:
   a. The language characterizing the excerpt from SCOOP has been changed to reflect the fact that this was a request rather than an instruction. A paragraph stating that the respondent has cooperated in the investigation has been added.
   b. The language of paragraph E in the Commission's proposal has been modified in the counterproposal and re-lettered as paragraph D to remove the implication that SCOOP was an accompaniment to the notice.

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II. Analysis

In the negotiations held thus far in this matter, the respondent has expressed a willingness to admit that the violation found in the Commission's investigation did occur and to pay a fine, albeit one that is substantially smaller than that which was originally proposed by the Commission. The majority of changes proposed by the respondent, as set forth above, involve interpretations of fact, which, in our opinion, do not detract from this overall admission of complicity. Accordingly, we believe these changes should be accepted. As for the other changes (numbers 1 through 4, above) which are discussed below, we likewise believe that these should also be accepted.

1. Respondent urges that the fine be reduced from $2,233 to $500. Our figure of $2,233 was reached by a mechanical calculation of the costs involved in the printing and mailing of SCOOP and the notice. However, a portion of these costs were not violative of the Act in that they were used for the dissemination of SCOOP, a regularly scheduled publication, which would have gone out to ABC members, regardless of whether or not the notice was included. Further, our cost calculation did not take into account the large number of destroyed copies of the notice.

Respondent also contends that there is no requirement that mandates that the penalty be equal to the amount spent in violation of the Act, especially when, as here, the expenditure was allegedly made out of inadvertence and ignorance of the law. Since the actual expenditure

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here appears to be less than $2,233, the reduction to the amount proposed by the respondent does not seem inappropriate.

2. Paragraph IV of our original proposal, which states that the notice was not educational material has been deleted in its entirety, while it is our belief that the notice was, in fact, non-educational, the silence of the agreement on this point is not critical in view of the respondent's willingness to admit the corporate expenditure violation, which is the heart of this matter.

3. The paragraphs referring to the respondent's cooperation and the fact that a non-wilful violation was committed (paragraph I under Roman Numeral III and Roman Numeral I under "General Conditions") are, in our opinion, reasonable, negotiated changes based on the facts and circumstances of this matter.

III. Recommendation

We recommend that the Commission approve the aforementioned changes which are incorporated into the conciliation agreement attached as Exhibit 2 hereto.

14 April 1978
Date

William C. Oldaker
General Counsel

Attachments:
1. Conciliation Agreement.
2. Conciliation Agreement as amended.
3. Conciliation Agreement in the Okonite matter (MUR 213(76)).

BEFORE THE FEDERAL ELECTION COMMISSION

March 9, 1978

In the Matter of Associated Builders and Contractors, Inc.	))))	MUR 274(76)

Conciliation Agreement

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C. That in September of 1976, Respondent caused to be printed 409,000 payroll stuffers entitled "Notice of Federal Election" (copy attached). The notice compared and summarized the positions

of Gerald Ford and Jimmy Carter on a variety of issues.

D. That the printing of the notice cost $1,756.04. Respondent then caused to be mailed 25 copies of this notice to each of its members at a further cost of $477.40 (copies of bills attached).

E. That along with the copies of the notice, Respondent sent each member the September 8, 1976 issue of its newsletter SCOOP (copy attached) which contained instructions to distribute a copy of the notice to each employee. These instructions read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

F. That respondent ABC has indicated that it also mailed one thousand (1000) copies of the notice to each of certain of its chapters along with copies of the newsletter.

G. That if a member firm or chapter required additional copies, they were supplied by Respondent.

H. That Respondent has indicated that it believes that approximately 120,000 copies of the notice were destroyed.

WHEREFORE, respondent ABC agrees:

IV. That the notice herein described was not educational material.

V. That the costs involved in the printing and distribution of the notice were in connection with a federal election, and therefore constitute expenditures within the meaning of 2 U.S.C. §441b(b)(2).

VI. That these expenditures do not fall within the communication exemption of 2 U.S.C. §441b(b)(2)(A).

VII. That it will pay a civil penalty in the amount of $2,233,

pursuant to 2 U.S.C. §437g(a)(6)(B).

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

III. It is agreed that respondent ABC shall have no more then thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

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_____

William C. Oldaker
General Counsel

Associated Builders & Contractors, Inc.

By: _____

For the Respondent

Attachments:
1. Notice of Federal Election
2. Bill from Reese Press, Inc.
3. Bill from Arundel Mailing
4. SCOOP

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 200 (76)
The Okonite Company	)	MUR 213 (76)

CONCILIATION AGREEMENT

This matter having been initiated by a signed, sworn, and notarized complaint by James Ellison Parker and a letter filed by Richard A. Zimmer, an investigation having been conducted, and reasonable cause to believe having been found that respondent violated 2 U.S.C. §441b(a).

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

I. That the Federal Election Commission has jurisdiction over the respondent and the subject matter 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. Respondent is a corporation organized under the laws of Delaware and having its business headquarters in

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Ramsey, New Jersey. Respondent has facilities in Passaic, Paterson, Ramsey, and North Brunswick, New Jersey and eight other states. Respondent's Paterson and Passaic plants are within the New Jersey 8th Congressional District, represented by Congressman Robert A. Roe. Both plants are within economically distressed areas.

B. Respondent has not established a separate segregated fund.

C. All of the stock of respondent was purchased on June 30, 1976 for a price of $44 million by an Employee Stock Ownership Trust (ESOT) for the benefit of respondent's employees. The entire purchase price was borrowed by the ESOT and $13 million of it was derived from a grant from the Federal Economic Development Administration. The grant was the key to the entire transaction. Congressman Robert A. Roe had been instrumental in obtaining the federal grant funds for the New Jersey Economic Development Authority (which then loaned the funds to the ESOT) and had substantially assisted respondent to ensure that the grant was made in a timely fashion.

D. Respondent spent $12,183.84 of corporate treasury funds to place full-page advertisements in four New Jersey newspapers on July 16, 1976 and July 21, 1976.

E. The text of the advertisements is attached hereto as Appendix A.

F. Congressman Roe was a candidate for Federal office from the 8th Congressional District of New Jersey at the time of the publication of the advertisements. The advertisements were placed two to three weeks after the closing of the ESOT purchase, five weeks after Roe's victory in the New Jersey congressional primary, and three and one-half months before the general elections in November, 1976.

G. The four newspapers in which the advertisements were placed have an area of distribution which includes Mr. Roe's Congressional District and substantial other areas of New Jersey. No advertisements were placed in Ramsey and North Brunswick local newspapers. Okonite has plants in both cities which are not within the 8th Congressional District.

H. Acting through counsel, respondent has cooperated with the Federal Election Commission in its investigation of this matter, responding promptly and candidly to all inquiries by the Commission.

Wherefore, respondent agrees:

I. That for the purposes of this proceeding only, the costs of the advertisements herein described were in connection with a federal election, and therefore constitute an expenditure, within the meaning of 2 U.S.C. §441b(b)(2).

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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

General Conditions:

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

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

III. It is agreed that respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirement contained in this agreement and to so notify the Commission.

WILLIAM C. OLDAKER JUN 24 1977
GENERAL COUNSEL

THE OKONITE COMPANY

By: Victor A. Viggiano
For the Respondent
Victor A. Viggiano, President

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 17, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Michael Tobin, Esq.
Shulman, Rogers, Gandal and Tobin, P.A.
Montgomery Center
8630 Fenton Street, Suite 430
Silver Spring, Maryland 20910

Re: MUR 274 (76)

Dear Mr. Tobin:

Pursuant to your conversation of April 6, 1978 with Gary D. Lipkin of the staff of the Office of the General Counsel, we are enclosing a copy of a proposed conciliation agreement in the above-captioned matter. Please be advised that the respondent will also receive a copy of this agreement.

If you have any questions and to arrange for a conference, please feel free to call Mr. Lipkin at 523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

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PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Charles M Lobrn

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	92660	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 4-18-78 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

APR 18 1978 USPO

☆ GPO : 1977—O-234-337

BEFO[redacted] THE FEDERAL ELECTION COM[redacted]SSION

March 8, 1978

In the Matter of)
)
James A. Federline, Inc., et al) MUR 274 (76)
)

CONCILIATION AGREEMENT

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted and reasonable cause to believe having been found that the respondent James A. Federline Inc. violated 2 U.S.C. §441b(b)(2)(A).

Now therefore, the respective parties herein, the Federal Election Commission and the respondent James A. Federline Inc., having duly entered into conciliation pursuant to 2 U.S.C. §437g (a)(5), do hereby agree as follows:

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

II. That the 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. Respondent is a contractor within the construction business. James A. Federline is the President of the respondent.

B. Respondent is a member of a trade association called Associated Builders and Contractors, Inc. (hereinafter ABC).

C. That the respondent received about 50 copies of a flyer entitled "Notice of Federal Election" from ABC in September of 1976. (copy attached as Exhibit 1).

D. That accompanying the flyers was the September 8, 1976 issue of ABC's newsletter, SCOOP, (copy attached as Exhibit 2) which instructed the members of ABC to distribute the notice to their employees.

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The instruction read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

E. That the respondent requested and received an additional 100 copies of the notice from the local chapter office of ABC.

F. Acting on the basis of these instructions, respondent asked the employee who distributed paychecks to insert the flyer in the paycheck envelopes. This additional task took approximately 20 minutes more time than it normally took the employee to stuff the paycheck envelopes.

G. That respondent believes that all employees received a copy of the notice.

H. That the notice was distributed to the employees on October 7, 1976.

WHEREFORE, respondent agrees:

IV. That the cost incurred in the distribution of the notice herein described was in connection with a federal election, and therefore constitutes an expenditure within the meaning of 2 U.S.C. §441b(b)(2).

V. That it will pay a civil penalty in the amount of two hundred and fifty dollars ($250) pursuant to 2 U.S.C. §437g(a)(6)(B).

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 the 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. The President of the respondent, James A. Federline, agrees to serve as a witness for the Commission in the event of any lawsuit arising out of this matter.

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

IV. It is agreed that respondent shall have no more than thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

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William C. Oldaker
General Counsel

James A. Federline, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. SCOOP

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government allotted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 17, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Federline, President
James A. Federline, Inc.
26 West Diamond Avenue
Gaithersburg, Maryland 20760

Re: MUR 274 (76)

Dear Mr. Federline:

By letter of March 7, 1978, you were notified of the Commission's determination that there is reasonable cause to believe that your firm violated 2 U.S.C. 441b (a) in its distribution to its employees of a payroll stuffer entitled "Notice of Federal Election" in the Fall of 1976.

Pursuant to our duty to correct such violations by the informal methods of conference, conciliation, and persuasion, the enclosed conciliation agreement is hereby submitted to you for your consideration and signature.

If you have any questions or desire to discuss or modify this agreement, please feel free to contact Gary D. Lipkin, the attorney assigned to this case, at (202) 523-4529.

Sincerely yours,

William C. Oldaker
General Counsel

Charles N. Steele
Associate General Counsel

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PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

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

2. ARTICLE ADDRESSED TO:
James A Federline

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94366	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY — POSTMARK: APR 20 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc., et al)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 29, 1978, at an Executive Session of the Federal Election Commission at which a quroum was present, the Commission determined by a vote of 6-0 to approve the proposed conciliation agreement attached to the General Counsel's Report in the above-captioned matter prepared for negotiation with James A. Federline, Inc.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: March 29, 1978

7904090104

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc., et al.)

MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 29, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 5-1 to approve the proposed conciliation agreement attached to the General Counsel's Report in the above-captioned matter prepared for negotiation with Associated Builders and Contractors, Inc.

Commissioner Aikens cast the dissenting vote.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: March 29, 1978

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 22, 1978

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MEMORANDUM TO: Marge Emmons

FROM: OGC Docket

SUBJECT: MUR 274 (76) Team #1

Please have the attached Conciliation Report on MUR 274 (76) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of March 29, 1978.

Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc., et al.)

MUR 274 (76)

EXECUTIVE SESSION

MAR 23 1978

CONCILIATION REPORT

Pursuant to the Commission's finding of March 1, 1978 that there was reasonable cause to belive that the Respondents in the above-captioned matter, James A. Federline, Inc., and Associated Builders and Contractors, Inc., have violated 2 U.S.C. §441b(b)(2)(A), the attached conciliation agreements have been prepared for negotiation with respondents.

William C. Oldaker
General Counsel

3/21/78

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BEFORE THE FEDERAL ELECTION COMMISSION

March 9, 1978

In the Matter of)
)
) MUR 274(76)
James A. Federline, Inc, et al)

Conciliation Agreement

This matter, having been initiated by a signed, sworn, and notarized complaint, an investigation having been conducted, and reasonable cause to believe having been found that respondent Associated Builders and Contractors, Inc. (hereinafter ABC) violated 2 U.S.C. §441b(b)(2)(A).

Now therefore, the respective parties herein, the Federal Election Commission and the respondent ABC, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

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

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

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

A. Respondent ABC is an incorporated trade association with headquarters in Baltimore, Maryland.

B. That during the fall of 1976, respondent ABC's membership consisted solely of 9,548 contractors and subcontractors in the construction business that were organized into 50 chapters.

c. That in September of 1976, Respondent caused to be printed 409,000 payroll stuffers entitled "Notice of Federal

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Election" (copy attached as Exhibit 1). The notice compared and summarized the positions of Gerald Ford and Jimmy Carter on a variety of issues.

D. That the printing of the notice cost $1,756.04. Respondent then caused to be mailed 25 copies of this notice to each of its members at a further cost of $477.40 (copies of bills attached as Exhibit 2 and Exhibit 3).

E. That along with the copies of the notice, Respondent sent each member the September 8, 1976 issue of its newsletter SCOOP (copy attached as Exhibit 4) which contained instructions to distribute a copy of the notice to each employee. These instructions read as follows:

> We ask you to insert these informative and educational pieces in the pay envelopes of your employees.

F. That respondent ABC also mailed one thousand (1000) copies of the notice to each of its chapters along with copies of the newsletter.

G. That if a member firm or chapter required additional copies, they were supplied by Respondent.

H. That Respondent has indicated that it believes that approximately 120,000 copies of the notice were destroyed.

WHEREFORE, respondent ABC agrees:

IV. That the notice herein described was not educational material.

V. That the costs involved in the printing and distribution of the notice were in connection with a federal election, and

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therefore constitute expenditures within the meaning of 2 U.S.C. §441b(b)(2).

VI. That these expenditures do not fall within the communication exemption of 2 U.S.C. §441b(b)(2)(A).

VII. That it will pay a civil penalty in the amount of $2,233, pursuant to 2 U.S.C. §437g(a)(6)(B).

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

III. It is agreed that respondent ABC shall have no more then thirty(30) days from the date this agreement becomes effective to comply with and implement the requirements contained therein and to so notify the Commission.

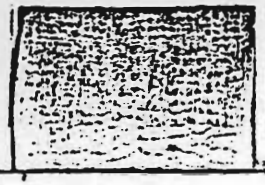
7904009310

William C. Oldaker
General Counsel

Associated Builders & Contractors, Inc.

By: _____
For the Respondent

Attachments:
1. Notice of Federal Election
2. Bill from Reese Press, Inc.
3. Bill from Arundel Mailing
4. SCOOP



NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.

2. INCREASED FEDERAL DEFICIT
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.

3. DAVIS-BACON ACT REFORMS
FOR: PRESIDENT FORD
NO POSITION: CARTER

The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.

4. FORCED BUSING
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.

5. FEDERAL AID TO NEW YORK CITY
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.

6. POST CARD VOTER REGISTRATION
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.

7. GOVERNMENT PLANNED & CONTROLLED ECONOMY
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.

8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION
FOR: PRESIDENT FORD
AGAINST: JIMMY CARTER

Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

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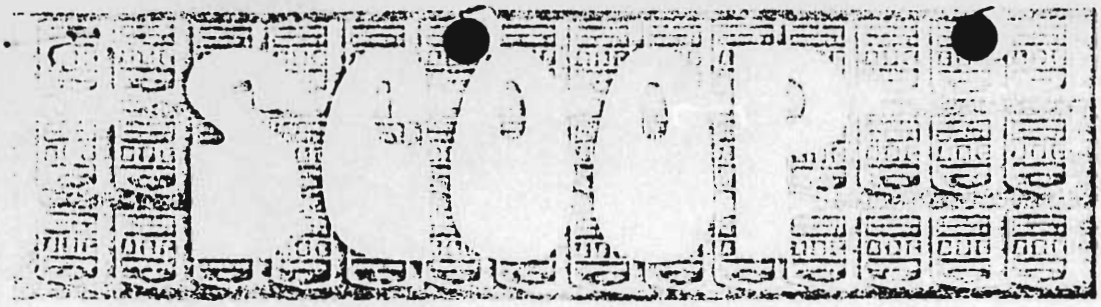

ROUTE TO:

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

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ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14)(b) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-796-5750

common situs bill would be presented in the John Dunlop form if they are in the White House. The Carter aides said they believed a two title common situs bill would be considered a trade off. The Association representatives said they opposed common situs in any form. In general, the Carter economic policy calls for more federal spending, stand by wage price controls, a $200 billion spending platform, more power to national unions and the elimination of competition between states for new business.

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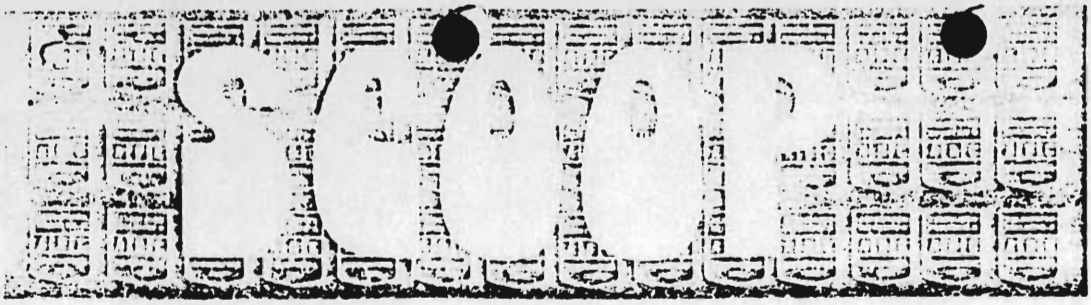

ROUTE TO:

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

7 9 0 4 0 0 9 3 1 1 6

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14)(b) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

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FCC 3168

LAW FIRM
SHULMAN, ROGERS, GANDAL & TOBIN, P. A.

LAWRENCE A. SHULMAN
DONALD R. ROGERS
LARRY N. GANDAL
CHARLES MICHAEL TOBIN
KARL L. ECKER
DAVID A. PORDY*
MARTIN P. SCHAFFER"
ROBERT O. JOHNSTON*'
A. RICHARD SLOANE
FRED B. KLEIN
MARK S. MENDELSOHN

MONTGOMERY CENTER
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SILVER SPRING, MARYLAND 20910
(301) 565-4400

WASHINGTON OFFICE
SUITE 516
1156 15TH STREET, N.W.
WASHINGTON, D. C. 20005
(202) 872-1808

*VA. ALSO
'NOT ADMITTED IN MD.
" NOT ADMITTED IN D.C.

'78 APR 6 AM 11:47

April 4, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Re: MUR 274 (76) - James A. Federline, Inc.
Our File No. 37-001-115

Dear Mr. Oldaker:

Your letter dated March 7, 1978 to the above company has been referred to us for response.

After review of your letter, we are still unable to determine what is to be conciliated and what it is you wish James A. Federline, Inc. to agree to.

If either you or a member of your staff would contact us with more specifics, we shall be happy to cooperate in any way.

Sincerely,

SHULMAN, ROGERS, GANDAL & TOBIN, P.A.

By
Charles Michael Tobin

CMT/skg
T:N

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PCC3160

801548

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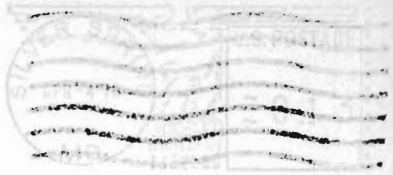

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1325 K St., N.W.
Washington, D.C. 20463

2004009312

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 7, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Federline, President
James A. Federline, Inc.
26 West Diamond Avenue
Gaithersburg, Maryland 20760

Re: MUR 274 (76)

Dear Mr. Federline:

On March 1, 1978, the Commission determined that there is reasonable cause to believe that your firm has committed a violation of 2 U.S.C. §441b(a) in its distribution to employees of a payroll stuffer, received from Associated Builders and Contractors, Inc., entitled "Notice of Federal Election." Section 441b(a) prohibits any corporation from making a contribution or expenditure in connection with any federal election.

The Commission has a duty to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement, pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe that a violation has occurred, institute a civil suit under the authority of 2 U.S.C. §437g(a)(5)(B).

Please advise me at your earliest opportunity of your decision in this matter. If you have any questions, please feel free to contact Gary D. Lipkin, the attorney assigned to this case, at 523-1318.

Sincerely yours,

William C. Oldaker
General Counsel

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MUR 874 (79)

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 4.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- [X] Show to whom and date delivered ..... ¢
- [ ] Show to whom, date, and address of delivery .. ¢
- [ ] RESTRICTED DELIVERY
  Show to whom and date delivered ..... ¢
- [ ] RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery .$
  (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. James A. Federline, President
James A. Federline INC.
26 West Diamond Avenue
Gaithersburg MD 20760

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438386	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 3-8-78

POSTMARK: URG. MAIL U.S. POSTAGE PAID MAR 10 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

7 9 0 4 0 0 9 3 1 2 5

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 7, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan P. Dye, Esquire
Webster and Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274 (76)

Dear Mr. Dye:

On March 1 , 1978, the Commission determined that there is reasonable cause to believe that Associated Builders and Contractors, Inc. has committed a violation of 2 U.S.C. §441b(b)(2)(A) of the Federal Election Campaign Act by financing, publishing, and disseminating to its members a brochure entitled "Notice of Federal Election," with instructions to distribute it to their employees.

The Commission has a duty to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement, pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe that a violation has occurred, institute a civil suit under the authority of 2 U.S.C. §437g(a)(5)(B).

Please advise me at your earliest opportunity of your decision in this matter. If you have any questions, please feel free to contact Gary D. Lipkin, the attorney assigned to this case, at 523-1318.

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General Counsel

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OEC 274-WL

PS Form 3811, Apr. 1977

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Washington DC 20006

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REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	408387	

(Always obtain signature of addressee or agent)

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

Carole Hartman

4. DATE OF DELIVERY: FEB 8 - 1978 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO : 1977—O-234-337

7 9 0 4 1 0 0 9 3 1 2 7

February 24, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 274 Team #1 Lights

Please have the attached General Counsel's Report on MUR 274 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of March 1, 1978.

Thank you.

7904009312 8

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, et al.)

MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 1, 1978, at an Executive Session of the Federal Election Commission at which a quorum was present, the Commission determined by a vote of 6-0 to approve the following recommendations contained in the General Counsel's Report, dated February 24, 1978, in the above-captioned matter:

1. Find reasonable cause to believe that Associated Builders and Contractors, Inc. has violated 2 U.S. C. Section 441b(b)(2)(A), and initiate conciliation.

2. Find reasonable cause to believe that James A. Federline, Inc. has violated 2 U.S.C. Section 441b(b)(2)(A).

The Commission determined by a vote of 4-2 to reject the General Counsel's recommendation to close the file in the matter of James A. Federline, Inc. Voting for this determination were Commissioners Aikens, Harris, Staebler, and Tiernan. Voting against this determination were Commissioners Springer and Thomson.

The Commission determined by a vote of 6-0 to approve the draft letters appended to the General Counsel's Report of February 24, 1978, subject to conforming amendments with respect to the decision not to close the file in the matter of James A. Federline, Inc.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: March 3, 1978

7904090120

Before the Federal Election Commission

February 22, 1978

In the Matter of	)	
	)	MUR 274 (7[illegible]
James A. Federline, et al.	)	

General Counsel's Report

I. Summary of Allegations

On October 12, 1976, the Commission received a complaint alleging that James A. Federline, Inc. distributed a notice advocating the election of a clearly identified candidate to all of its employees. This notice, a copy of which is attached, compared the stances of Gerald Ford and Jimmy Carter on a variety of issues involved in the 1976 Presidential campaign and was allegedly written so as to favor Mr. Ford. Because this appeared to involve a possible expenditure in violation of 2 U.S.C. §441b(b)(2)(A), the Commission found reason to believe on October 28, 1976. (A copy of the election notice is appended as exhibit 1).

Pursuant to the ensuing investigation, it was learned that the notice was financed, published, and disseminated by a trade association, Associated Builders and Contractors, Incorporated (hereinafter, ABC). As this activity involved a possible expenditure of general corporate funds in violation of 2 U.S.C. §441b(b)(2)(A), reason to believe was found on February 17, 1977 against ABC.

II. Pertinent Facts

A. James A. Federline, Inc.

In letters of November 9 and November 30, 1976, James A. Federline, President of James A. Federline, Inc. stated that he had

received the notice in question from ABC and distributed it to his employees on October 7, 1976. The November 30th letter goes on to state that "no costs" were incurred in disseminating the notice other than the slight additional time demand placed on the employee who inserted the notice (and paychecks) into the pay envelopes of Federline employees. An October 11, 1977 deposition of Mr. Federline revealed that he had received an initial shipment of about 50 of these notices in the latter part of September of 1976. He then requested an additional 100 copies from ABC's local chapter office (deposition of James A. Federline, pp. 5-6).

B. ABC

ABC responded to the Commission's notification of investigation by letters dated April 5, May 2, and June 10, 1977. These letters, which contained various bills and other enclosures relating to the notice, indicated that a firm called Reese Press, Inc. printed some 409,000 copies of the notice at a cost of $1,756.04; a bill from Arundel Mailing, a mass mailing firm, showed that 25 copies of the notice were mailed to each of ABC's 9,548 members for a fee of $477.40. The remaining copies, estimated at some 170,000 in number, were allegedly destroyed (letter of May 2, 1977). Included in each member's mailing, with the notice, was the September 8, 1976 edition of ABC's newsletter, SCOOP, a copy of the front page of which is attached to this memorandum as exhibit 2. The newsletter stated pertinently, on page 1:

> Enclosed with the issue of SCOOP are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter ... We ask you to insert these informative and educational pieces in the pay envelopes of your employees (emphasis supplied).

Because the Federline response indicated that he had requested and received copies of the notice in excess of 25 from an ABC chapter office, the staff made further inquiries to ABC's chapters regarding their receipt and handling of the notice. The chapters of ABC, about 50 in number, are considered to be separate and distinct entities from the "members" (deposition of Clarence Randell, pp 5-6). These responses revealed that at least certain of the chapters had received an initial, unrequested shipment of notices, plus additional copies as ordered: e.g., ABC's Yankee Chapter received an initial shipment of 500 copies and later requested and received an additional 5,000 (deposition of Charles B. Lavin Jr., pp. 5, 7) and the Kentuckiana Chapter received about 1000 copies of the notice from ABC's national headquarters (letter of Philip J. Anderson, January 17, 1977).

The staff subsequently deposed various officials of ABC who had been in some way responsible for, or connected with, the composition, printing, and mailing of the notice. These included: Scott Robertson, former Director of Communications for ABC, William Eugene Higgins, ABC's Director of Public Affairs in the Fall of 1976, and Bruce Crockett, then ABC's Manager of Publications. These depositions revealed that the initial responses from ABC had been partially inaccurate. In addition to the 25 copies of the notice that were mailed to each of the 9,548 members, there had been a mailing of 1,000 copies to each of ABC's chapters, for possible further distribution (deposition of Scott Robertson, p. 13; deposition of Bruce Crockett, p. 6; deposition of William Eugene Higgins, p. 6). Moreover, there may have been additional mailings in response to requests for

extra copies (deposition of Scott Robertson, pp. 14, 15). The remaining copies, approximately 120,000 in number, were destroyed (deposition of Scott Robertson, pp. 16-17).

In his deposition, Mr. Robertson reaffirmed a view expressed in the initial ABC response letter of April 5, 1977, that the notice was purely an innocuous, educational piece (deposition of Scott Robertson pp. 11, 14).

III. Analysis

In our opinion, the primary issue in this case is whether or not the costs incurred in the printing and distribution of this notice fall within the communication exemption provided by 2 U.S.C. §441b (b)(2)(A) (see also regulation §114.8h), which permits a corporation to communicate with its stockholders and executive or administrative personnel and their families on any subject.

A second threshold issue raised by respondents involves the assertion that the notice is simply "educational." This raises the question of whether the monies spent in printing and disseminating the notice can be deemed an expenditure within the meaning of 2 U.S.C. §441b(b)(2)(A).

A. The notice is not educational material.

The respondents claim that the notice does not explicitly advocate the election or defeat of a particular candidate, but, rather, is educational material describing the differing positions of the two major party presidential candidates on selected issues. However, in our opinion, the selection of issues and the summaries of the candidates' respective positions are plainly calculated to influence a voter-- particularly one employed in the construction industry-- to

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favor Mr. Ford. Four of the eight issues selected involve jobs in the construction industry. On each of these issues, as well as on the four remaining issues, the summaries are calculated to make Mr. Ford appear as the more reasonable candidate. For example, with regard to common situs picketing, the notice reads as follows:

LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.

Similarly, on the subject of the Davis-Bacon Act, the Notice reads:

DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act."

Thus, the so-called lack of explicit advocacy cited by respondents is, at best, nominal; a reader of the notice, particularly the readers the notice was intended to reach, would easily draw the inference that the writers (or distributors) of the notice advocated the election of Mr. Ford over Mr. Carter.

In any event, the so-called lack of express advocacy does not, in our opinion, compel a conclusion that the costs of publishing and disseminating the materials are outside the reach of the language of the definition of contribution and expenditure in 2 U.S.C. §441b(b)(2)(A). The statutory history and legislative intent surrounding §441b and its predecessors evidence a clear desire to subject corporations to a different and more restrictive standard with respect to political

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activities than that applied to individuals. The evil which Congress has sought to eliminate by §441b and its predecessors is not only direct, partisan political activity by corporations, but also more generally, the use by corporations of treasury funds to promote their own political views by endorsing or opposing candidates for Federal office. Accordingly, in 1947 Congress extended the prohibition of §313 of the Federal Corrupt Practices Act to "expenditures" to prevent corporations and labor unions from circumventing the Act by way of indirect disbursements. 61 Stat. 159 (June 23, 1947). The legislative history of subsequent enactments have reaffirmed this initial purpose by alluding to an intent to narrowly limit the audience to which a corporation may direct communications having some connection with a Federal election when such communications are financed from general treasury funds, as here. See remarks of Rep. Hansen in explaining his amendment to 18 U.S.C. §610, 117 Cong. Rec. H. 11478-79 (November 30, 1971); H.R. Rep. No. 94-1057, 94th Cong., 2d Sess. 63-64 (1976).

Commission policy has been consistent with congressional intent. While the regulations permit independent expenditures by an individual, partnership, committee, association, etc., they expressly prohibit such expenditures by labor organizations, corporations, and national banks. See §§109.1(b)(1) and 114.1(a)(1) of the regulations. Further, §100.4 (b)(15) excludes from the term "contribution" "a gift, subscription, loan, advance, or deposit of money or anything of value made with respect to the recount of the results of a Federal election, or an election contest concerning a Federal election, except when made by an organization subject to the prohibitions of §114.2." (Emphasis added.)

In MUR 213, the Commission reaffirmed its intent to apply a stricter standard to §441b expenditures by finding reasonable cause to

believe that expenditures by the Okonite Corporation for advertisements in the period between the 1976 New Jersey primary and general elections thanking a New Jersey Congressman for his aid in securing a grant to fund the corporation's new employee stock ownership trust (ESOT), were in violation of 2 U.S.C. §441b, notwithstanding the fact they did not expressly advocate the election of the Congressman or the defeat of his opponent. The corporation subsequently signed a conciliation agreement admitting the violation. (A broader discussion of the "explicitly" issue is set forth at pp. 5-16 of the General Counsel Report recommending reasonable cause to believe in Okonite. The report is appended as Exhibit 3.)1/

Thus, it seems clear that the ABC notice is within the reach of the prohibition of §441b.

B. The notice is not a communication to members.

The act fails to define what a "communication to members" is. Section 114.1(e) of the regulations does, however, define a "member" of a trade association as one who currently satisfied its requirements for membership, e.g., by paying dues.

The facts clearly demonstrate that the notice here was intended to reach a much greater audience than that of ABC's "members." It is uncontroverted that each member-firm received, along with their 25 copies,

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1/ Although no court has expressly ruled on the question of whether a communication which does not contain words which directly call for the election or defeat of a clearly identified candidate but can be inferentially interpreted as doing so is "in connection with" an election, and therefore within the ambit of §441b (see, e.g., Cort v. Ash, 423 U.S. 812 (1975)), analysis of relevant cases does suggest that a dissemination of materials such as the ABC notice which reaches beyond a corporation's normal organizational activity and confines, requires strict scrutiny. See generally, United States v. Auto Workers, 352 U.S. 567 (1957); United States v. CIO, 335 U.S. 106 (1948). A lengthier discussion of relevant case law is found at pp. 7-10 of the previously cited General Counsel's Report on Okonite.

the September 8, 1976 edition of ABC's regularly scheduled newsletter, SCOOP, which instructed the member to "insert these informative and educational pieces in the paychecks of your employees" (SCOOP, Sept. 8, 1976, p. 1). Moreover, additional copies were clearly made available to each firm. Since the membership of ABC is limited to "a general contractor, a subcontractor ... within the construction business" (deposition of Clarence Randell, p. 5) the employees of member firms--the intended audience for the notice-- could not be deemed "member" of ABC, Moreover, it seems clear that some distribution of the notice to employees did take place: Federline admitted distributing about 140 copies of the notice in October of 1976 (letter from James A. Federline, November 30, 1976). Further, the large number of notices (1,000) distributed to each of ABC's chapters suggests that there were other similar distributions. It is plain then, that the intent of ABC in its distribution of the notice, and the likely effect of this distribution, falls outside the exception of §441b(b)(2)(A).

C. James A. Federline, Inc.

The Federline company's distribution of these notices constitutes a violation of 2 U.S.C. §441b(b)(2)(A) as this act was a corporate expenditure on behalf of a clearly identified candidate.

However, the "expenditure" this entailed was clearly minimal as it involved the labor of but a single employee, who, in addition to her usual job of inserting paychecks into pay envelopes, inserted the notice as well. By Federline's estimate, this required an additional 20 minutes of time. Since all other costs involved with this notice were borne in full by ABC, and since Mr. Federline has cooperated fully in the investigation and had no prior knowledge of §441b, we recommend that the file be closed with respect to him.

IV. Recommendations

Find reasonable cause to belive that Associated Builders and Contractors, Inc. has violated 2 U.S.C. §441b(b)(2)(A), and initiate conciliation.

Find reasonable cause to believe that James A. Federline, Inc. has violated 2 U.S.C. §441b(b)(2)(A), but close file in view of circumstances outlined in this report.

Send attached letters.

2/24/78
Date

William C. Oldaker
General Counsel

Attachments
1. Copy of Notice
2. Copy of front page of SCOOP
3. General Counsel's Report, MUR 213(76)

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NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .

WHO IS FOR . . . WHO IS AGAINST . . .

WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.

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5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government piloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or retrain employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14(b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should con[illegible] to have this responsibility.

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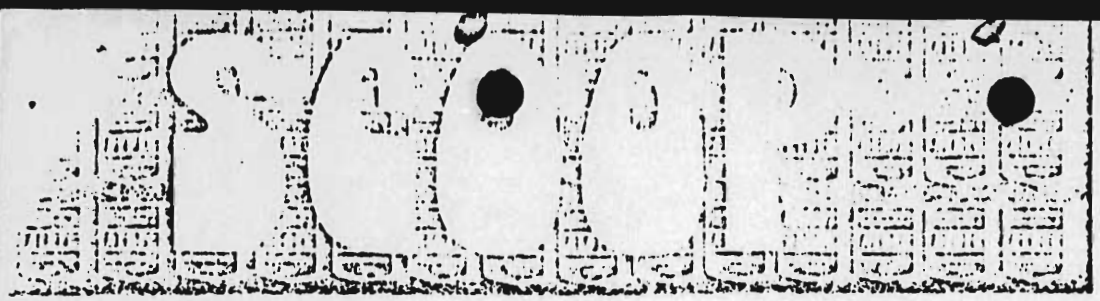

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

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ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14)(b) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-768-2750

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 200 (76)
The Okonite Company	)	MUR 213 (76)

GENERAL COUNSEL'S REPORT

I. Summary of Allegations

The two complaints raise the same issue. It is alleged that the Okonite Company, a corporation, placed full-page advertisements in four newspapers of general circulation in New Jersey which refer to Congressman Robert A. Roe and constitute prohibited corporate expenditures for the purpose of influencing his re-election in the 8th District of New Jersey or in connection with his election.

II. Evidence

The advertisements appeared on the following dates in the following newspapers with circulations which include the 8th District of New Jersey: The Morning Call Paterson News, July 16, 1976; The Passaic Herald News, July 16, 1976; The Bergen Record, July 21, 1976; and The Newark Star Ledger, July 21, 1976. The advertisements appeared approximately five weeks after Congressman Roe's victory in the New Jersey primary election. The advertisements, which were the same

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in all of the newspapers, state in head-line style, bold-face type, "Thank You Congressman Robert A. Roe!". A large photograph of Roe, identifying him as the Congressman from the 8th District and accompanied by a statement explaining his "major" role in securing a grant to fund the corporation's new employee stock ownership trust [ESOT], appears at the top of the page. The bottom half of the advertisement consists of a photograph of Congressman Roe with Federal, State and Okonite Company officials and a five-paragraph tribute to Roe for his "untiring efforts in [the Company's] behalf resulting in the purchase of the Okonite Company by an [ESOT]." The advertisement ends with "Congressman Roe, we deeply appreciate all that you did to make our American dream a reality."

The Okonite Company has plants in Passaic, Paterson, Ramsey, and North Brunswick, New Jersey. The latter two facilities are not within the 8th Congressional District and no advertisements were placed in newspapers which cover the two areas.

In response to the Commission's preliminary inquiry to the Okonite Company, the attached letter from counsel to the company, John R. McKay 2nd, and affidavit from its chairman, president and chief executive officer, Victor Viggiano, were submitted

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to the Commission. Both documents indicate, in summary, that the Okonite Company has recently been in uncertain financial condition due to frequent changes in ownership. At the company's request, Congressman Roe was instrumental in obtaining a grant from the U.S. Department of Commerce Economic Development Administration to finance an ESOT for the company. Congressman Roe was contacted because he represents the congressional district in which two of the company's plants are located and is Chairman of the House Subcommittee on Economic Development. The Okonite ESOT was finalized on June 30, 1976. The aforementioned documents indicate that the purpose of the ads was to express gratitude to Congressman Roe for his material role in the establishment of the ESOT and to announce the change in corporate structure to Okonite's suppliers and customers and to the general public. The affidavit and letter from counsel do not deny that the ads were financed by corporate funds.

According to the affidavit, the ads were not placed at the request or suggestion of Congressman Roe or his authorized committee. Nor is there any evidence that Okonite consulted with Roe or his authorized committee regarding the placement of the ads. Congressman Roe and his authorized committee do not report any contributions from an Okonite PAC, nor does Okonite claim to have established a separate segregated fund.

In an affidavit submitted pursuant to the Commission's investigation of this matter, Congressman Roe stated that "he did not participate in the preparation or placement of the advertisements; nor did [he] authorize anyone or any political committee to do so."

In an affidavit submitted on November 2, 1976, Victor Viggiano stated that the total cost of the advertisements was $12,183.84. He further indicated that the Okonite Company has not placed any newspaper advertisements with respect to any other elected officials in Federal office.

Counsel for respondent, in a letter accompanying Mr. Viggiano's most recent affidavit, contends that the advertisements were in connection with the successful completion of the stock purchase and were intended to thank Congressman Roe and to promote the company's business relations. Respondent further argues that the content and timing of the advertisements and Mr. Viggiano's initial affidavit establish an absence of intention to influence the outcome of the election. Respondent concedes that the advertisements could be construed as favorable to Mr. Roe, but insists that they do not evidence active electioneering because they also communicated Okonite's own business interests. It is respondent's position that §441b of the Act is violated only by expenditures which are for the purpose of influencing an election and which constitute active

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electioneering. Respondent therefore asserts that since the advertisements did not mention the election, endorse Mr. Roe, or advocate the defeat of his opponent, they do not reflect the requisite intent to establish a violation of §441b.

III. Analysis

The issue in these MURs is whether Okonite's advertisements -- concededly made out of general treasury funds -- were in connection with Congressman Roe's re-election campaign in the 8th Congressional District of New Jersey, and therefore subject to the general prohibition of §441b(a) on corporate expenditures.

Although respondents state that their intent in placing the ad was solely to express gratitude to Mr. Roe and to publicize the change in Okonite's corporate structure, it is our opinion that when the ad is placed in an objective factual context, one must presumably conclude that it falls within the ambit of §441b. We reach this conclusion mindful of the fact that there is no definitive judicial interpretation of the phrase "in connection with;" however, our conclusion follows from the legislative evolution of §441b and its predecessor 18 U.S.C. §610. It also follows from established Commission policy.

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The proximity of the general election and the content of the advertisements overshadow Okonite's purported informative purpose and give the advertisements a clear political message. The medium -- general circulation newspapers which include Roe's district -- and the timing of the advertisements -- shortly after his primary victory -- inevitably have the impact on voters of seeming to promote the merits of Roe as a candidate in the general election. Both the text and lay-out evidence a decided emphasis on Roe's achievements in aiding a corporate constitutent, the Okonite Company. The advertisements are only tangentially related to Okonite's other claimed purpose to promote business relations and publicize its change in corporate structure. In fact, only three sentences of the entire text are devoted to the formation of the Okonite ESOT. The Okonite Company, according to the advertisement, has plants in other areas of New Jersey which are not within Roe's congressional district. Yet, the advertisements were published only in newspapers whose area of distribution included Roe's district. Although the advertisements do not expressly call for Roe's election, they unmistakably serve as a tribute to him. As such, it is reasonable to infer that the advertisements appeared to the general public as related to Roe's merits as a candidate. In our view, it is not conclusive that the advertisements did not directly mention Roe's

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candidacy; his primary victory made that candidacy a known fact and the impact of the ad must be assessed in that context.

A. Case Law

No court has reached the precise issue which arises here, i.e., whether a corporate expenditure for a communication which does not contain words which directly call for the election of a clearly identified candidate but can be inferentially interpreted as doing so is "in connection with" an election, and therefore, within the ambit of §441b. (See, e.g., Cort v. Ash, 423 U.S. 812 (1975), where the Court expressly declined to decide whether 18 U.S.C. §610, the predecessor of 2 U.S.C. §441b, proscribed corporate expenditures for specific advertisements.) Thus, there has been no definitive judicial decision as to whether §441b establishes a broader standard than 2 U.S.C. §431(f) anddescribing the content of the "in connection with" standard.

Although some lower courts have alluded to 18 U.S.C. §610 as establishing an active electioneering standard, see Miller v. AT & T Co., 507 F. 2d 759, 764 (3d Cir. 1974); United States v. Lewis Food Co., 366 F. 2d 710, 712 (9th Cir. 1966), that view is contrary to a consistent line of

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legislative intent and Commission policy. It should be noted that both cases were decided on the basis of the 1972 law, before the 1974 amendments gave §610 a different internal definition of "contribution or expenditure" than "the purpose of influencing" test in 18 U.S.C. §591 which underlay the court's enunciation of the active electioneering test. 1/ Moreover, courts which imposed such a test were generally motivated by concerns to which the Congress has subsequently directed specific legislative attention in the Hansen Amendment and the statutory provision for the formation of separate segregated funds as permissible vehicles for corporate political activity. (See Discussion, infra, section B, p. 10 et seq.)

Respondent relies on Ash v. Cort, 350 F. Supp. 227, 232 (E.D. Pa. 1972), aff'd, 471 F. 2d 811 (3d Cir.), rev'd. on other grounds, 496 F. 2d 416 (3d Cir. 1973), rev'd. on other grounds, 423 U.S. 812 (1975), where the district court found permissible under §610 advertisements in national magazines expressing a corporation's views as to a statement made by an unnamed candidate. The Third Circuit Court of Appeals, however, disagreed with the district

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1/ See Miller v. AT & T Co., supra, at 765 . Even in that case the court held direct proof of a partisan purpose on the part of the defendants was not necessary. Rather, it held that the plaintiffs needed to produce (Cont'd.)

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court's narrow interpretation of §610. Chief Judge Seitz, writing for the court stated:

> Nothing in the language or legislative history supports an interpretation of sections 591 and 610 [of Title 18] that would make lawful an expenditure simply because in the communication it paid for no candidate was named. There is no evidence Congress thought the American public so unperceptive that it would recognize a statement as supporting or attacking a particular candidate only by use of his name; such a requirement would eviscerate §610. 496 F. 2d at 425. (Emphasis added.)

Although the court of appeals in Ash required evidence that the communication was partisan, supra at p. 425, the court enunciated a standard which encompasses communications which do not expressly identify the target candidate. While the court did not expressly address the issue of how explicitly partisan a particular communication must be to fall within the sweep of §441b, analogous logic would suggest that the same standard of public perception of the election relatedness of the communication would be applied to that question as well.

1/ (Cont'd.) evidence to support the inference that the only discernible reason for the defendants' failure to collect a debt owed by a national committee of a political party was a desire to assist that committee in a Federal election.

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In summary, the content and evidentiary parameters of "in connection with" remain undefined. Analysis of the cases does suggest, however, that factors such as whether communications financed from a corporation's general treasury are aimed at the general public, are partisan in nature, and are not part of the corporation's normal organizational activity will trigger strict scrutiny. See generally, United States v. Auto Workers, 352 U.S. 567 (1957); United States v. C.I.O., 335 U.S. 106 (1948).

B. Evolution of Statutory Prohibitions on Corporate Contributions and Expenditures in Connection With Federal Elections

The lack of clarity in the case law requires that this matter be resolved by reference to statutory history and Commission policy. The statutory history and legislative intent surrounding §441b and its predecessors evidence a clear desire to subject corporations to a different and more restrictive standard with respect to political activities than that applied to individuals. The evil which Congress has sought to eliminate by §441b and its predecessors is not only direct, partisan political activity by corporations, but also more generally, the use by corporations of treasury funds to promote their own political views by endorsing or opposing candidates for Federal office.

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Accordingly, in 1947 Congress extended the prohibition of §313 of the Federal Corrupt Practices Act to "expenditures" to prevent corporations and labor unions from circumventing the Act by way of indirect disbursements. 61 Stat. 159 (June 23, 1947). 2/

Pursuant to the legislative purpose discussion above, Congress has narrowly limited the audience to which a corporation may direct communications having some connection with a Federal election when such communications are financed from general treasury funds. Thus, in explaining his amendment to §610, Representative Hansen stated:

2/ See also United States v. Auto Workers, supra, 352 U.S. at 582, 585; United States v. C.I.O., supra, 335 U.S. at 112, 115; and United States v. Chestnut, 394 F. Supp. 581, 587 (S.D. N.Y. 1975), aff'd., 533 F. 2d 40 (2d Cir. 1976), for judicial recognition of Congress' intent to curb those corporate expenditures which, in substance, exerted direct or indirect influence over Federal elections. These cases also make it clear that corporations have long been on notice of the strict prohibition on the use of their funds in connection with elections of candidates for Federal office.

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> The dividing line established by section 610 is between political activity directed at the general public in connection with Federal elections which must be financed out of political donations and activities directed at members or stockholders which may be financed by general funds. 117 Cong. Rec. H. 11478 (Nov. 30, 1971).
>
> At the present time there is broad agreement as to the essence of the proper balance in regulating corporate and union political activity required by sound policy and the Constitution. It consists of a strong prohibition on the use of corporate and union treasury funds to reach the general public in support of, or opposition to, Federal candidates. . . . 117 Cong. Rec. H. 11479 (Nov. 30, 1971).

It should be noted that the class of persons to whom corporations may communicate regarding political matters has been restricted even when such activity is clearly non-partisan. For example, in the Conference Report on the 1976 Amendments to the Act, H.R. Rep. No. 94-1057, 94th Cong., 2d Sess. 63-64 (1976), the conferees provided that corporations may take part in nonpartisan registration and get-out-the-vote activities that are not restricted to stockholders and executive or administrative personnel only if such activities are jointly sponsored by the corporation and an organization that does not endorse candidates and are conducted by that organization. The restrictions on non-partisan activities by corporations suggest that Congress did not intend "in connection with" to import an express advocacy or active electioneering test, but rather, intended that phrase to be construed broadly.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Okonite's advertisements praising Congressman Roe appear to be communications directed to the general public and whose predictable impact is to make that public believe that Roe's candidacy is supported by a corporate entity in the body politic, a form of communication which §441b contemplated in its prohibition. Unlike the house organ at issue in United States v. C.I.O., supra, and exempted by §441b(b)(2)(A) of the Act, Okonite's advertisements were not published in the course of its normal business activities and predictably reached an audience much larger than the permissible class of stockholders and executive and administrative personnel and their families.

Further evidence of congressional intent to make the statutory restriction on the use of corporate treasury funds broader than that for individuals is afforded by the various 1974 and 1976 amendments permitting use of corporate funds to facilitate the establishment of separate segregated funds for soliciting individual contributions. This evolving statutory outlet constitutes a legislative response to suggestions of judicial concern over interference with corporations'(and labor unions') ability to communicate with their respective members, and in certain circumstances, with the public at large. (Cf. C.I.O. case, concurring

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

opinion of Justice Rutledge at 335 U.S. 152, ff., referring to the potential for a "bludgeon[ing] of First Amendment rights resulting from an expansive, absolute restriction on the political uses of unions' general treasury funds"). The amendments provide a clear method -- available here to Okonite -- for political association or expression by individuals connected to the corporation, while continuing the explicit bar on corporate funds being directly used for the same purpose.

C. Commission Policy

Commission policy has been consistent with congressional intent in interpreting the prohibition on corporate contributions and expenditures strictly and preserving "in connection with" as a standard distinct from "for the purpose of influencing." While the proposed regulations permit independent expenditures by an individual, partnership, committee, association, etc., they expressly prohibit such expenditures by labor organizations, corporations, and national banks. See §§109.1(b)(1) and 114.1(a)(1) of the proposed regulations. Further, §100.4(b)(15) excludes from the term "contribution" "a gift, subscription, loan, advance, or deposit of money or anything of value made

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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with respect to the recount of the results of a Federal election, or an election contest concerning a Federal election, except when made by an organization subject to the prohibitions of §114.2." (Emphasis added.) Finally, the existence of two separate and distinct standards is evident in the Policy Statement on Presidential Debates in which the Commission held that disbursements by the League of Women Voters through a charitable trust fund "are not made for the purpose of influencing a Federal election and are therefore not contributions as defined in 2 U.S.C. §431(e)," but are "'in connection with' a Federal election and accordingly may not be made with funds from corporate or labor organization treasuries."

In light of the foregoing, it is our view that Okonite's expenditures for a tribute to Congressman Roe evince the requisite elements to establish a violation of 2 U.S.C. §441b. The advertisements' timing, medium, intended audience, and logical effect of influencing the general public to support Congressman Roe bring the expenditures within the ambit of §441b.

7904009115

IV. Recommendation

Find reasonable cause to believe that a violation of 2 U.S.C. §441b has occurred. Send attached letters. We expect to report to the Commission shortly on a proposed conciliation agreement for this matter. In view of the uncertain case law parameters associated with the phrase "in connection with," the conciliation agreement will not recommend a fine.

JOHN G. MURPHY, JR.
General Counsel

DATE: December 17, 1976

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James A. Federline President
James A. Federline, Inc.
26 West Diamond Avenue
Gaithersburg, Maryland 20760

Re: MUR 274 (76)

Dear Mr. Federline:

On March , 1978, the Commission determined that there is reasonable cause to believe that your firm has committed a violation of 2 U.S.C. §441b(a) in its distribution to employees of a payroll stuffer, received from Associated Builders and Contractors, Inc., entitled "Notice of Federal Election." Section 441b(a) prohibits any corporation from making a contribution or expenditure in connection with any federal election.

However, based on the minimal nature of the expenditure which constitutes the violation, the Commission will not proceed any further with this matter at this time. We also appreciate your full cooperation in this investigation.

If you have any questions, please feel free to contact Gary D. Lipkin, the attorney assigned to this case, at (202) 523-1318.

Sincerely yours,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alan P. Dye, Esquire
Webster and Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274 (76)

Dear Mr. Dye:

On February , 1978, the Commission determined that there is reasonable cause to believe that Associated Builders and Contractors, Inc. has committed a violation of 2 U.S.C. §441b(b)(2)(A) of the Federal Election Campaign Act by financing, publishing, and disseminating to its members a brochure entitled "Notice of Federal Election," with instructions to distribute it to their employees.

The Commission has a duty to correct such violations for a period of 30 days by informal methods of conference, conciliation, and persuasion and to enter into a conciliation agreement, pursuant to 2 U.S.C. §437g(a)(5)(A). If we are unable to reach an agreement during that period, the Commission may, upon a finding of probable cause to believe that a violation has occurred, institute a civil suit under the authority of 2 U.S.C. §437g(a)(5)(B).

Please advise me at your earliest opportunity of your decision in this matter. If you have any questions, please feel free to contact Gary D. Lipkin, the attorney assigned to this case, at 523-1318.

Sincerely yours,

William C. Oldaker
General Counsel

DOC 2451
NRN

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 785-9500

GEORGE D. WEBSTER
CHARLES E. CHAMBERLAIN
WILLIAM J. LEHRFELD
ARTHUR L. HEROLD
ALAN P. DYE
MICHAEL LENEHAN
JAMES L. WILSON
CHRISTOPHER L. HARTWELL
CATHERINE B. SIRAK
N. MACKENZIE CANTER III

January 16, 1978

7904039159

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

Re: MUR 274(76)

Dear Mr. Lipkin:

As we discussed on the telephone Bruce Crockett and Gene Higgins of Associated Builders and Contractors, Inc. had a long standing engagement out of town on Tuesday, January 17th. They will therefore, be unavailable for deposition on that date. As we have discussed they will be available at 1:00 p.m. and 1:45 p.m., respectively, on Thursday, January 19th. Scott Robertson will appear for deposition as scheduled at 1:00 p.m. on the 17th.

Very truly yours,

Alan P. Dye

Alan P. Dye

APD/csh

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

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

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Crockett:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

Enclosed please find a money order in the amount of $23.70, to cover your expenses and mileage as provided by §111.14 of the Commission's regulations.

If you have any questions, please contact Gary Lipkin, the attorney assigned to this case, who may be reached by telephone at (202)523-4073.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure
cc: Mr. Alan P. Dye

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274 (HL)

PS Form 3811, Apr. 1977

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

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

2. ARTICLE ADDRESSED TO:
Glen P. Dye, Esq. / Webster & Chamberlain, Suite 1000, 1747 Pennsylvania Ave. NW, Wash. DC 20006

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944094	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: JAN 11 1978 — POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO : 1977—O-234-337

274 G4

PS Form 3811, Apr. 1977

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

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

2. ARTICLE ADDRESSED TO: Bruce Crockett, Former Director of Publications, GBC, Inc, PO Box 8733, Balt.-Wash Int'l Airport, Baltimore, Md 21240

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	944098	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: 01-13-78 — POSTMARK: JAN 13 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: — CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO : 1977—O-234-337

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

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At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Bruce Crockett, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builders and Contractors, Inc., Publications Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of these brochures. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463 on Tuesday, January 17, 1978 at 2:30 P.M.
and at any and all adjournments thereof.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 4th day of Jan., 1978.

Thomas E. Harris
Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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MONEY ORDER

Travelers Express
COMPANY, INC.
Drawer Without Recourse In Cases Stated On Reverse

MONEY ORDER

130 8492292

DATE 11/6/78

76-83
919

PAY TO THE ORDER OF Bruce Cockett

DO NOT PAY OVER FIVE HUNDRED DOLLARS

AMOUNT 4683 $ 23.70

SUBJECT TO CONTRACT REFERRED TO ON REVERSE

PAYABLE THRU FIRST NORTHWESTERN NATIONAL BANK OF FAIRBAULT

Gary L. Fyten
PURCHASER, SIGNER FOR DRAWER

FIEC
PURCHASER'S ADDRESS

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Robertson:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of
h attorney with

the amount of $23.70,
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be reached by

ours,

Oldaker
nsel

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

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

2. ARTICLE ADDRESSED TO: Scott Robertson, Dir. of P.R., ABC, Inc., P.O. Box 8733, Baltimore-Washington Int'l Airport, Baltimore, Md. 21240

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 494097 | INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY JAN 12 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1977—O-234-337

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

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Scott Robertson, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builder and Contractors, Inc., Public Relations Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of this brochure. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, on Tuesday, January 17, 1978 at 1:45 P.M.

and at any and all adjournments thereof.

WHEREFORE, the chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 4th day of Jan. 1978.

Thomas E. Harris
Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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MONEY ORDER

Travelers Express
COMPANY, INC.
Drawer Without Recourse In Cases Stated On Reverse

MONEY ORDER

130 8492290

DATE 11/6/78

75-53
919

PAY TO THE ORDER OF Scott Robertson

DO NOT PAY OVER FIVE HUNDRED DOLLARS

AMOUNT 4683 $ 3*23.70

SUBJECT TO CONTRACT REFERRED TO ON REVERSE

PAYABLE THRU FIRST NORTHWESTERN NATIONAL BANK OF FARIBAULT

Steve L. Erickson
PURCHASER SIGNER FOR DRAWER

FEC
PURCHASER'S ADDRESS

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FEDERAL ELECTION COMMISSION

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

January 6, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gene Higgins
Public Relations Department
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Higgins:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains

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amount of $23.70,
by §111.14 of

Gary Lipkin,
reached by

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

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

2. ARTICLE ADDRESSED TO: Gene Higgins, ABC, Inc. PO Box 8733, Balt.-Wash. Int'l Airport, Baltimore, Md. 21240

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 894926 | INSURED NO.
(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 01-13-78

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK JAN 13 1978

CLERK'S INITIALS

☆ GPO 1977—O-234-337

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

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Gene Higgins
Public Affairs Department
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21230

7 9 0 4 0 0 9 3 1 5 9

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Gene Higgins, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builders and Contractors, Inc., Public Affairs Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of these brochures. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463 on Tuesday, January 17, 1978 at 1:00 P.M. and at any and all adjournments thereof.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. on this 4th day of Jan, 1978.

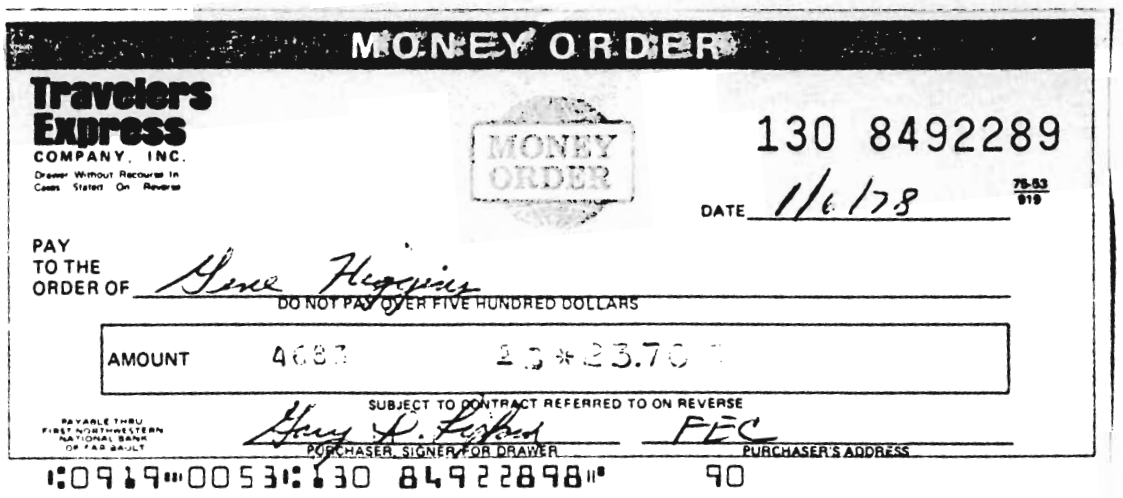
Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Secretary to the Commission



MONEY ORDER

Travelers Express
COMPANY, INC.
Drawer Without Recourse In Cases Stated On Reverse

MONEY ORDER

130 8492289

DATE 11/6/78

PAY TO THE ORDER OF Gene Huggins

DO NOT PAY OVER FIVE HUNDRED DOLLARS

AMOUNT 468? 23*23.70

SUBJECT TO CONTRACT REFERRED TO ON REVERSE

PAYABLE THRU FIRST NORTHWESTERN NATIONAL BANK OF FARGO

Gary K. Fisher — PURCHASER, SIGNER FOR DRAWER

FEC — PURCHASER'S ADDRESS

⑆0919⑈0053⑆130 8492289⑈ 90

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc., et al) MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 4, 1978, the Commission determined by a vote of 4-0 to issue subpoenas for depositions in connection with the above-captioned matter to the following individuals:

Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P. O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P. O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

Gene Higgins
Public Affairs Department
Associated Builders and Contractors, Inc.
P. O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

Commissioners Springer and Tiernan were not present at the time of the vote.

Signed:

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 4, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: Subpoenas in Relation to MUR 274 (76)

The attached subpoenas, approved in the Commission meeting of January 4, 1978, have been signed and sealed this date.

3 Attachments

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December 28, 1977

MEMORANDUM TO: Marge [redacted]

FROM: Jeff Bowman

SUBJECT: MUR 274(76) General Staff [redacted]-Lipkin

Please have the attached Interim Investigative Report on MUR 274(76) distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of January 4, 1978.

Thank you.

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December 29, 1977

Before the Federal Election Commission

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc., et al.)

Interim Investigative Report

In the above numbered matter, the staff, pursuant to Commission action, has been conducting an investigation into a possible violation of 2 U.S.C. §441b by ABC, Inc. and the James P. Federline Co. The central issue is whether a brochure, distributed by ABC, Inc. to its members, with apparent instructions to "insert ... in the pay envelopes of your employees" falls within the communication exemption of §441b(b)(2)(A).

In connection with the investigation, the staff, on December 19, 1977 took the deposition of Clarence Randell, a managerial official of ABC, Inc. Mr. Randell referred to three other supervisory officials--Scott Robertson (Director of Public Relations, ABC); Bruce Crockett (Former Director of Publications, ABC); and Gene Higgins (Public Affairs Dept., ABC)-- who he believed had personal knowledge as to the printing and dissemination of the brochure. We believe each of these individuals should be deposed and accordingly recommend that the attached subpoenas be issued.

Dated: 29 December 1977

William C. Oldaker
General Counsel

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Authorization to Issue Subpoenas

The Commission hereby authorizes the issuance of subpoenas to the following persons in connection with MUR 274 (76):

Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

Gene Higgins
Public Affairs Department
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

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Thomas E. Harris
Chairman

William L. Springer
Commissioner

Joan D. Aikens
Vice Chairman

Neil Staebler
Commissioner

Robert O. Tiernan
Commissioner

Vernon W. Thomson
Commissioner

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Crockett:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

Enclosed please find a money order in the amount of $27.40, to cover your expenses and mileage as provided by §111.14 of the Commission's regulations.

If you have any questions, please contact Gary Lipkin, the attorney assigned to this case, who may be reached by telephone at (202)523-4073.

Sincerely yours,

Enclosure
cc: Mr. Alan P. Dye

William C. Oldaker
General Counsel

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Bruce Crockett
Former Director of Publications
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Bruce Crockett, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builders and Contractors, Inc., Publications Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of these brochures. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463 on

and at any and all adjournments thereof.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of , 1978.

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Secretary to the Commission

7 9 0 4 0 0 9 5 1 7 7

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Robertson:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

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If you have any questions, please contact Gary Lipkin, the attorney assigned to this case, who may be reached by telephone at (202)523-4073.

Sincerely yours,

William C. Oldaker
General Counsel

cc: Mr. Alan P. Dye
Enclosure

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Scott Robertson
Director of Public Relations
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21240

7904093179

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Scott Robertson, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builder and Contractors, Inc., Public Relations Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of this brochure. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, on

and at any and all adjournments thereof.

WHEREFORE, the chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this day of 1978.

ATTEST:

Thomas E. Harris, Chairman
Federal Election Commission

Secretary to the Commission

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gene Higgins
Public Relations Department
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International
Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Higgins:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

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If you have any questions, please contact Gary Lipkin, the attorney assigned to this case, who may be reached by telephone at (202)523-4073.

Sincerely yours,

Enclosure
cc: Mr. Alan P. Dye

William C. Oldaker
General Counsel

United States of America

Federal Election Commission

Re: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

To: Mr. Gene Higgins
Public Affairs Department
Associated Builders and Contractors, Inc.
P.O. Box 8733
Baltimore-Washington International Airport
Baltimore, Maryland 21230

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Gene Higgins, in his present or former capacity as the supervisory officer, employee, or managing agent of the Associated Builders and Contractors, Inc., Public Affairs Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him any records, documents, memoranda, or correspondence maintained or obtainable by him relating to the receipt, mailing or distribution of these brochures. Notice is given that the deposition is to be taken at the Commission's Office of the General Counsel, 1325 K Street, N.W., Washington, D.C. 20463 on

and at any and all adjournments thereof.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. on this day of , 1978.

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Secretary to the Commission

7 0 4 0 9 3 1 8 1

December 14, 1977

MEMORANDUM TO: Marge Ramsey

FROM: Elissa T. Garr

SUBJECT: MUR 274 (Form 6) Exhibit

Please have the attached Interim Status Report on MUR 274 distributed to the Commission and placed on the Compliance agenda for the Commission meeting of December 14, 1977.

Thank you.

7904009318 2

Before the Federal Election Commission

December 16, 1977

In the Matter of	)	
	)	MUR 274 (76)
James A. Federline, et al.	)	

Interim Status Report

This matter involves the publication and dissemination of a brochure advocating the election of a clearly identified candidate by Associated Builders and Contractors, Inc. (ABC, Inc.) to certain employees of its member association in possible violation of 2 U.S.C. §441b. The MUR originated with a complaint filed by an employee of James A. Federline, Inc., a member of one of ABC, Inc.'s local chapters. The complaint alleged that the Federline company's insertion of the brochure in the paychecks of its employees was a §441b violation.

The Commission found reason to believe as to James A. Federline, Inc. on October 28, 1976. On February 17, 1977 reason to believe was found as to ABC, Inc. Our investigation has discovered information from several local chapters of ABC, Inc. and their PACs which appears to contradict information from ABC, Inc. asserting that only 25 copies of the brochure were mailed to ABC members.

We have taken a deposition of Clarence Randell on December 19, 1977 and plan to make a fuller report on the meeting shortly.

16 December (77)
date

WILLIAM C. OLDAKER
GENERAL COUNSEL

CHARLES N. STEELE
ASSOCIATE GENERAL COUNSEL

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AMC 2133
NRN

RECEIVED
FEDERAL ELECTION
COMMISSION
77 NOV 28 AM 10:15

ASSOCIATED BUILDERS AND CONTRACTORS

Political Action Committee

Kentuckiana Chapter

November 23, 1977

703452

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

Dear Mr. Oldaker:

As designated agent for our Associated Builders & Contractors Political Action Committee, I am responding to your recent letter (copy attached) and to the questions contained therein as accurately as possible.

1) To my knowledge, there were no specific instructions for distribution included in the package of brochures ("Notice of Federal Election") received in September, 1976.

2) I do not recall if copies of "Scoop" dated September 8, 1976, were included.

3) To the best of my knowledge, no member firms to whom we sent the brochure indicated that they had already received copies.

4 & 5) Some member firms may have requested additional copies of the brochure. However, if they did, I do not recall the requests or whether or not additional copies were sent.

6) To the best of my knowledge, we did not request additional copies of the brochure from National ABC.

7) There is no particular person at National ABC from whom we regularly request literature.

8) It is likely that we might have received other election-related materials during the period January-November, 1976. However, if we did I honestly don't recall what it might have been.

SUITE 505 WATTERSON CITY WEST / 1941 BISHOP LANE / LOUISVILLE, KY. 40218 / 502 459-6585

A copy of our report is filed with the Federal Election Commission. Copies are available from the Federal Election Commission, Washington, D.C.

If I may be of any further assistance to you on this matter, please call me at (502) 459-6585.

Sincerely,

Philip J. Anderson
Designated Agent
Associated Builders & Contractors
Political Action Committee

7 9 0 4 0 0 9 3 1 8 5

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 15, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Philip J. Anderson
Associated Builders and Contractors
Political Action Committee
Suite 205-A Watterson City West
1941 Bishop Lane
Louisville, Kentucky 40218

Re: MUR 274 (76)

Dear Mr. Anderson:

In January, 1977, we corresponded with you concerning the publication and distribution of a brochure entitled "Notice of Federal Election" (a copy is enclosed). In furtherance of its investigation into this matter, we find that we need additional information to that provided by you on January 17, 1977. Therefore, we ask that you answer the following questions:

(1) Were any instructions for distribution included in the package of brochures you received in September, 1976? If so, what were the instructions? If you have a copy of these instructions, please provide us with it.

(2) Did the package of brochures you received in September, 1976, include copies of the Scoop newsletter, dated September 8, 1976?

(3) Did any of the member firms to whom you sent the brochure indicate that they had already received copies? If so, did the firms indicate from whom they had received other copies of the brochure? Please note from whom any other copies were received.

(4) Did any member firms request additional copies of the brochure? If so, which firms requested additional copies and how many were requested?

(5) Did you supply any additional copies to member firms?

7 9 0 4 0 0 9 3 1 8 6

RECEIVED
FEDERAL ELECTION
COMMISSION

77 NOV 28 AM 10:13

LOUISVILLE KY NOV 25 77 $0.90

C04000931187

ASSOCIATED BUILDERS & CONTRACTORS PAC

Kentuckiana Chapter

ABC Political Action Committee
Suite 505 / Watterson City West
1941 Bishop Lane / Louisville, Ky. 40218

RETURN RECEIPT REQUESTED

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

CERTIFIED
No. 507627
MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 15, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Philip J. Anderson
Associated Builders and Contractors
Political Action Committee
Suite 205-A Watterson City West
1941 Bishop Lane
Louisville, Kentucky 40218

Re: MUR 274 (76)

Dear Mr. Anderson:

In January, 1977, we corresponded with you concerning the publication and distribution of a brochure entitled "Notice of Federal Election" (a copy is enclosed). In furtherance of its investigation into this matter, we find that we need additional information to that provided by you on January 17, 1977. Therefore, we ask that you answer the following questions:

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(3) Did any of the member firms to whom you sent the brochure indicate that they had already received copies? If so, did the firms indicate from whom they had received other copies of the brochure? Please note from whom any other copies were received.

(4) Did any member firms request additional copies of the brochure? If so, which firms requested additional copies and how many were requested?

(5) Did you supply any additional copies to member firms?

7904009318 3

(6) Did you ever request additional copies of the brochure from ABC National? If so, when and how many were requested? Were the copies requested from any particular person at ABC National? What is his or her name?

(7) Is there a particular person at ABC National with whom you communicate regarding their sending literature to you? What is his or her name?

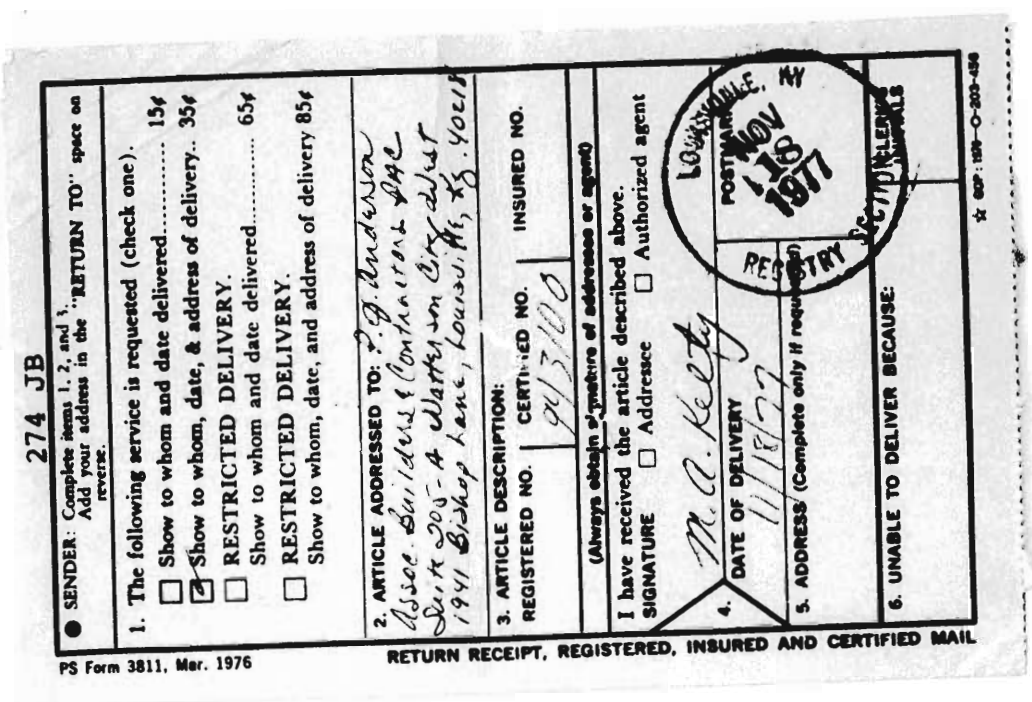
(8) Did you ever receive copies of other election-related materials during the period January-November, 1976, from ABC National? If so, please provide us with a copy of such material. If you have no copies, please describe the content of the material.

Please submit your response within ten days from receipt of this letter. If you have any questions, please contact Judy Browning (202/523-4073), the attorney assigned to this case.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure



NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 9, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clarence Randell
Associated Builders and
Contractors, Inc.
Publications Department
P.O. Box 8733
Baltimore-Washington
International Airport
Baltimore, Maryland 21240

Re: MUR 274 (76)

Dear Mr. Randell:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure (enclosed) entitled "Notice of Federal Election" by Associated Builders and Contractors, Inc. In connection with this matter, the Commission has been conducting an investigation over the past several months. Because your name has been mentioned as a person who might have knowledge concerning the distribution of the brochure in question, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for a deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

Enclosed please find a money order in the amount of $27.40, to cover your expenses and mileage as provided by §111.14 of the Commission's regulations.

If you have any questions, please contact the attorney assigned to this case, Gary D. Lipkin, who may be reached by telephone (202/523-4073).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure
cc: Mr. Alan P. Dye

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

RE: MUR 274 (76)

Subpoena ad Testificandum to Appear for Deposition Upon Oral Examination and Subpoena Duces Tecum to Produce Certain Documents

TO: Mr. Clarence Randell
Associated Builders and
Contractors, Inc.
Publications Department
Post Office Box 8733
Baltimore-Washington
International Airport
Baltimore, Maryland 21240

7 9 0 4 0 0 9 3 1 9 2

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), Clarence Randell, in his capacity as the supervisory officer, employee, or managing agent of the Associated Builders and Contractors, Inc., Publications Department, with personal knowledge as to the distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about September and October of 1976, is hereby ordered to appear for deposition and to bring with him or her any records, documents, memoranda, or correspondence maintained or obtainable by him or her relating to the receipt, mailing, or distribution of these brochures. Notice is given that the deposition is to be taken at the Commission's Office of General Counsel, 1325 K Street, N.W., Washington, D.C. 20463, on Monday, December 19, 1977, at 10:00 a.m. and at any and all adjournments thereof.

WHEREFORE, the Chairman of the Federal Election Commission

has hereunto set his hand at Washington, D.C., on this day of Nov. 4, 1977.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons

Secretary to the Commission

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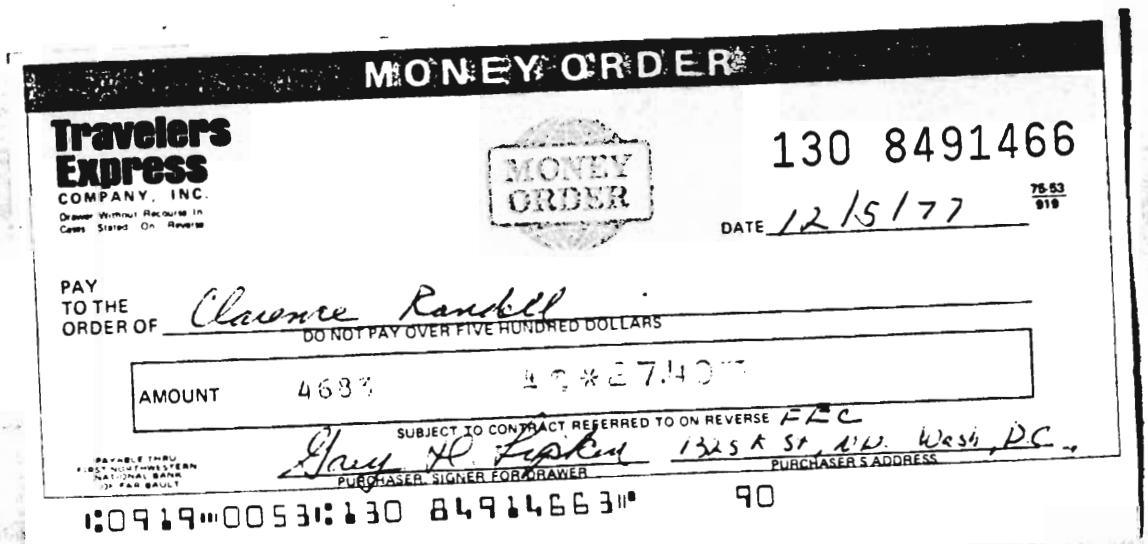

MONEY ORDER

Travelers Express COMPANY, INC.
Drawer Without Recourse In Cases Stated On Reverse

MONEY ORDER

130 8491466

DATE 12/5/77

75-53
919

PAY TO THE ORDER OF Clarence Randell

DO NOT PAY OVER FIVE HUNDRED DOLLARS

AMOUNT 468 [illegible]

SUBJECT TO CONTRACT REFERRED TO ON REVERSE FEC

PAYABLE THRU FIRST NORTHWESTERN NATIONAL BANK OF FAR GAULT

Gary M. Fisher
PURCHASER SIGNER FOR DRAWER

1325 K St, N.W. Wash, D.C.
PURCHASER'S ADDRESS

⑆091900531⑆130 8491466⑈ 90

7901090319

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 4, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

SUBJECT: ISSUING OF SUBPOENA IN MUR 274 (76)
TO: Mr. Clarence Randell

The attached subpoena has been signed, attested and sealed this date.

Approval of the issuing of this subpoena was obtained in the Commission Meeting of November 2, 1977.

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AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, et al) MUR 274 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 2, 1977, the Commission determined by a vote of 6-0 to issue a subpoena ad testificandum to an ABC officer to appear for deposition upon oral examination in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

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[redacted]

[redacted]

[redacted]

Please have the attached Interim Status Report on NUREG 274 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of November 2, 1977.

Thank you.

7904000931 97

October 26, 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
	)	MUR 274 (76)
James A. Federline, et al.	)	
	)	

EXECUTIVE SESSION
NOV 2 1977

Interim Status Report

7 9 4 0 0 9 3 1 9 3

This matter involves the publication and dissemination of the attached brochure advocating the election of a clearly identified candidate by Associated Builders & Contractors, Inc. (ABC, Inc.) to certain employees of its member associations in violation of 2 U.S.C. §441b. The MUR originated with a complaint filed by an employee of James A. Federline, Inc., a member of one of ABC, Inc.'s local chapters. The complaint alleged that the Federline company's insertion of the brochure in the paychecks of its employees was a 441b violation.

The Commission found reason to believe as to James A. Federline, Inc. on October 28, 1976. On February 17, 1977, reason to believe was found as to ABC, Inc. Our investigation of this matter has resulted in information from several local chapters of ABC, Inc., and their PACs regarding the number of brochures received and the persons to whom the brochure was distributed. In addition, officers of two member associations have been deposed. Some of the evidence obtained is in contradiction to information provided to us by ABC, Inc. It is therefore recommended that authorization be granted to issue to an ABC officer, a subpoena ad testificandum

to appear for deposition upon oral examination. The officer, who is apparently in charge of publications for ABC, Inc., according to information obtained in an earlier deposition, is employed by ABC, Inc., headquartered in Washington, D.C., and may have knowledge of the distribution of the brochure in question.

10/25/77
Date

William C. Oldaker
General Counsel

7 9 0 4 0 0 0 9 3 1 0

7 9 0 4 0 0 9 3 2 0

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
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FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve

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7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 6, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles B. Lavin, Jr.,
Executive Director
Yankee Chapter
Associated Builders &
Contractors
235 Bear Hill Road
Waltham, Massachusetts 02154

Re: MUR 274 (76)

Dear Mr. Lavin:

On February 17, 1977, the Federal Election Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the publication and dissemination of a brochure entitled "Notice of Federal Election" by Associated Builders and Contractors, Incorporated. In connection with this matter, we corresponded with you on June 23, 1977. Because of your involvement in this case, we would like to depose you as soon as possible, and the Commission has issued the enclosed subpoena requiring your appearance for the deposition. Please note that the subpoena contains a request that you produce certain documents at the time of your appearance. You may wish to contact an attorney with respect to this matter.

If you have any questions, please contact the attorney assigned to this case, Judy Browning, who may be reached by telephone (202/523-4073 or toll-free line 800/424-9530).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

7904090320 1

JB MUR 274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO: C. B. Lavin, Jr.
Yankee Chapter, Assoc. Builders
& Contractors; 235 Bear Hill Rd
Waltham, Mass. 02154

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	43817	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO : 1976—O-203-456

7904009320 2

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

RE: MUR 274(76)

Subpoena Duces Tecum to Appear for Deposition Upon Oral Examination and to Produce Books, Records and Other Relevant Documents

TO: Mr. Charles B. Lavin, Jr.
Executive Director
Yankee Chapter, Associated
Builders & Contractors
235 Bear Hill Road
Waltham, Massachusetts 02154

7904093205

At the instance of the Federal Election Commission, pursuant to 2 U.S.C. §437d(a)(4), the supervisory officer, employee, or managing agent of the Yankee Chapter of Associated Builders and Contractors with personal knowledge as to the receipt and distribution of brochures entitled "Notice of Federal Election" (copy attached) during or about October of 1976, is hereby ordered to appear for deposition and to bring with him or her any records, documents, memoranda, or correspondence maintained or obtainable by him or her relating to the receipt, mailing, or distribution of these brochures. Notice is hereby given that the deposition is to be taken at U.S. District Court, Room 1205 (John F. McCormick Building, Post Office Square, Boston) on October 17, 1977, at 10:00 a.m.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., on this 30th day of September, 1977.

Thomas E. Harris
THOMAS E. HARRIS
CHAIRMAN

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent evils and [illegible] disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.

5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide Government piloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14(b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives [illegible] to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

FILED

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 3, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James A. Federline,
President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, Maryland 20760

Re: MUR 274

Dear Mr. Federline:

In furtherance of its investigation in the above-referenced matter, the Commission has issued a subpoena requiring your appearance for a deposition. (The subpoena is enclosed herewith). Please note that the subpoena also contains a request that you produce certain documents at the time of your appearance. In this connection, you may wish to contact a lawyer.

If you have any questions, please contact Judy Browning the attorney assigned to this case (202/523-4073 or toll-free line 800/424-9530).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

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MUR 274 Attachment 8

7 9 0 4 0 0 9 3 2 0 7

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
James A. Federline, Pres.
James A. Federline, Inc.
26 W. Diamond Ave.; Gaithersburg MD 20760

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	138146	

(Always obtain signature of addressee or agent)

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

4. William H. Waters
DATE OF DELIVERY

POSTMARK: OCT 19 1971 U.S. POSTAGE

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and to Produce Books, Records and other Relevant Documents

TO: Mr. James A. Federline, President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, Maryland 20760

7 9 0 4 0 0 9 3 2 0 3

At the instance of the Federal Election Commission pursuant to §437d of Title 2 of the United States Code, you are hereby subpoenaed to appear for deposition with regard to the publication and dissemination of a brochure entitled "Notice of Federal Election" by Associated Builders and Contractors, Incorporated. Notice is hereby given that the deposition is to be taken at the Office of the Federal Election Commission, 1325 K Street, N.W., Washington, D.C., 20463, on the 11th of October, 1977, at 1:00 p.m. , and at any and all adjournments thereof.

You are hereby subpoenaed to appear for this deposition and pursuant to §437d of Title 2, United States Code, to produce at the time of the deposition:

(a) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with Associated Builders and Contractors, Inc. regarding the above-mentioned "Notice."

(b) Records of the number of "Notices" received by you or your organization from Associated Builders and Contractors, Inc.

(c) Copies of any and all materials which were included with the copies of "Notice" received by you or your organization.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this 30th day of September, 1977.

Thomas E. Harris
Chairman for the Federal
Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 14, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS mwe

SUBKECT: Authorization to Issue Subpoenas in Connection with MUR 274 (76)

The Commission has approved issuing subpoenas to the following individuals:

Mr. James Federline
Mr. Philip J. Adnerson
Mr. Charles B. Lavin, Jr.

All six Commissioners voted for approval.

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FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: The Commission

FROM: William C. Oldaker

SUBJECT: Authorization to issue subpoenas in Connection with MUR 274(76).

7904090321

Pursuant to a 48-hour Report transmitted on October 28, 1976, the Commission found reason to believe that a violation of 2 U.S.C. §441b had occurred with regard to the distribution of brochures entitled "Notice of Federal Election" by James A. Federline, Inc., to its employees. Upon receiving information that the brochures were sent to James A. Federline, Inc., by Associated Builders and Contractors, Inc. (ABC, Inc.), a national construction trade association, the Commission found reason to believe that ABC, Inc., had violated 2 U.S.C. §441b.

Information received from James A. Federline, Inc., and from certain regional chapters of ABC, Inc. (Kentuckiana and Yankee Chapters), indicates that depositions of persons in control of those organizations should be taken. ABC, Inc. maintains that its members received 25 copies of the brochure and that it was a permissible communication to members within the meaning of 2 U.S.C. §441b(a)(2)(A). However, Federline, Inc. appears to have received enough copies to make a distribution to 141 employees; the Kentuckiana Chapter received 1,000 copies; the Yankee Chapter a total of 5,500 copies (it is unclear how many of the copies sent to the Kentuckiana and Yankee Chapters were ultimately distributed to member firms). Because of the possible factual inconsistencies between ABC's representations and the existing record, we recommend that the attached authorization for subpoenas be approved.

In the context of our deposition of members of the Yankee and Kentuckiana Chapters, we would also hope to make an attempt to determine from a random sample of member firms in these areas, how many brochures they received and what they did with the brochures.

FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE SUBPOENAS

The Commission hereby authorizes the issuance of subpoenas for depositions to the following persons in connection with MUR 274 (76):

Mr. James Federline
President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, MD 20760

Mr. Philip J. Anderson
Kentuckiana Chapter Associated Builders and
Contractors Political Action Committee
1941 Bishop Lane
Louisville, Kentucky 40218

Mr. Charles B. Lavin, Jr.
Executive Director
Yankee Chapter, Associated
Builders & Contractors
235 Bear Hill Road
Waltham, Massachusetts 02154

Thomas E. Harris
Chairman

William L. Springer
Commissioner

Joan D. Aikens
Vice Chairman

Neil Staebler
Commissioner

Robert O. Tiernan
Commissioner

Vernon W. Thomson
Commissioner

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PRIORITY MAIL

CERTIFIED
No. 213858
MAIL

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)
General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036
Phone: (202) 833-3598

Official Transcript

David Spiegel, Esq.
Assistant General Counsel
Federal Election Commission
1325 K STreet, N. W.
Washington, D. C. 20463

T12008

PRIORITY MAIL

90 :11 NV 92

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)

R. E. Milton
President
P. L. Greenwood
Vice President
Secretary-Treasurer

General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036

Phone:
202-833-3566
202-833-3569
Notary Public
D.C.-Va.-Md.

January 20, 1978

Mr. Scott R. Robertson
c/o David Spiegel, Esq.
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: JAMES A. FEDERLINE, INC., MUR 274(76).

Dear Mr. Robertson:

The original copy of your deposition in the above-captioned case taken January 17, 1978, is submitted herwith for your reading and signing as requested by counsel.

Enclosed herewith are instructions for reading and signing.

Upon completion of the reading and signing the original copy will remain with the Federal Election Commission for filing.

Sincerely yours,

MILTON & GREENWOOD
REPORTING ASSOCIATES, INC.

Douglas S. George
Administrative Assistant

cc:
file

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INSTRUCTIONS FOR READING AND SIGNING TRANSCRIPTS

Please follow the procedure enumerated below in order to comply with the rules.

1. Make necessary corrections in ink.

2. Any language stricken or corrected should have a single line drawn through it and your initials so that the court may have before it the language as transcribed as well as corrected.

3. Place an asterisk at the end of each correction and at the bottom of each page state your reason for the correction.

The rules require a reason for any change or correction. It may be general, such as, "to correct stenographic error," or "to clarify the record," or "to conform with the facts."

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JC 1
Milton

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	:	
JAMES A. FEDERLINE, INC.	:	MUR274(76)

Washington, D. C.

Tuesday, January 17, 1978

Deposition of

SCOTT ROBERT ROBERTSON

a witness in the above-entitled matter, called for examination by counsel for the Federal Election Commission, pursuant to notice, at the offices of the Federal Election Commission, 1325 K Street, Northwest, Washington, D. C., beginning at 1:00 p.m., before David Spiegel, when were present on behalf of the respective parties:

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)
OFFICIAL REPORTERS
1028 Connecticut Ave., N.W., Suite 1110
Washington, D.C. 20036
Phones: (202) 833-3598
833-3599

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For the Federal Election Commission:

DAVID SPIEGEL, ESQ.
and
GARY LIPKIN, ESQ.
Assistant General Counsel
1325 K Street, N. W.
Washington, D. C. 20463

C O N T E N T S

WITNESS:	EXAMINATION BY COUNSEL FOR: FEDERAL ELECTION COMMISSION (Mr. Spiegel)	(Mr. Lipkin)
SCOTT ROBERT ROBERTSON	3	16

E X H I B I T S

Federal Election Commission Exhibits were retained by counsel:

	Page
FEC Exhibit No. 1 -- a four-page newsletter entitled "Scoop," dated September 8, 1976	7
FEC Exhibit No. 2 -- a copy of the payroll stuffer	8
FEC Exhibits No. 3-A and 3-B	19

HEMLOCK
ERASABLE
COTTON CONTENT

MR. SPIEGEL: Would you raise your right hand, please? Do you swear to tell the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

Thereupon,

SCOTT ROBERT ROBERTSON

a witness, was called for examination by counsel for the Federal Election Commission and, after having been sworn by David Spiegel, Esq., was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION

BY MR. SPIEGEL:

Q Would you state your full name for the record?

A Scott Robert Robertson.

Q Who are you employed by?

A Right now, nobody.

Q Were you employed by Associated Builders and Contractors, Inc.?

A I was.

Q Could you state the dates of employment?

A I am not positive, but I believe it was 1971 through, it would be February '71 through February or January of 1978.

Q What is your address?

7904090321 9

A 3701 South George Mason Drive, Falls Church, Virginia.

Q Are you aware that you have the right to have an attorney present?

A I am.

Q Is there an attorney present at this deposition?

A No.

Q Let me take it back to your period when you were with ABC, which is actually quite recent. Were you involved in the printing of a newsletter called "Scoop"?

A Yes. I was.

Q How many people were involved in that operation? Let me focus on a particular period, too. 1976 is the period that I am directing my questions to.

A Generally there were two people involved, me as communications director and Maurice Cox as editor. But in essence almost everybody in the association or at least on the staff was involved in it because the information was gathered from around the office and placed in the newsletter.

Q What was your general function on this newsletter?

A Many times I wrote it myself. I would contribute information, edit things out that could have been, you know, slanderous. I was just controlling, that was my job, to control

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HEMLOCK RESEARCH

the newsletter, make sure it got out on time, make sure there was enough information, make sure it got typed, make sure it got printed.

Q Was that in essence the duties of your job at ABC?

A Yes. It covered a number of things.

Q Why don't you describe those for the record?

A As director of communications --

Q That was your title?

A Yes. I was in charge of the new letter which is Scoop. I was in charge of the magazine ed Merit Shop Contractor. I was in charge of all pre ations, press releases, films, slide shows, general gr work.

(Laughter.)

BY MR. SPIEGEL:

Q Did a gentleman named Morrison work with you on Scoop at all?

A Judy Morrison.

Q Gentleperson.

A It is hard to keep it in perspective because ABC is one of those organizations that has never quite gotten organized and she was working for Bruce Crockett as a production assistant. So when you talk about grunt work, she was really doing

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COTTON CONTENT

JC 6

coordination kinds of things and supposedly he was working for me in my department. His title at the time was director of publications. I don't think he ever admitted he was working for me, but supposedly that is what it was.

Q I am going to show you the front page of a Scoop newspaper, newsletter that came out, dated September 8th, 1976. Is this something that is part of your duties you had contact with?

A Yes.

Q Here are three additional pages that went with the front page. That is the entire newsletter. That is something that you have had, that you had contact with?

A Yes.

Q Did you help produce that newsletter?

A Yes. I did.

Q You will notice there is an asterisk next to two paragraphs in that. Did you take part in preparing those paragraphs?

A Yes. I did.

Q Those two paragraphs in question refer to a Federal election procedure, a handout on Federal elections and the number 25 is mentioned. Were those copies sent to all of your members, to your recollection?

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HEMLOCK

A It would be to all of our member firms. It is hard to say who is an ABC member. In some cases it may be for instance in the case like Brown & Root, you know, it may be a guy who is removed from the top management several times over. He may be a supervisor, but it may be for instance on a manpower and training who participates in ABC to develop manpower and training programs. It depends on who is on the list. It is different people for different companies.

Q Let's enter that as Federal Election Commission Exhibit 1 so we can refer to it by an exhibit title.

(A four-page newsletter entitled "Scoop," dated September 8, 1976, was marked Federal Election Commission Exhibit 1 for identification and retained by counsel.)

BY MR. SPIEGEL:

Q The second sentence of that paragraph, it is an asterisk -- there are two paragraphs. I am referring to the first asterisked paragraph. It says "We ask you to insert these informative and educational pieces" -- referring to this payroll stuffer -- "in the pay envelopes of your employees."

I am going to show you a copy of an item which we have been told is the payroll stuffer in question. Is this what the newsletter was referring to?

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A Yes.

MR. SPIEGEL: Let's enter that as Federal Election Commission Exhibit 2.

(A copy of the payroll stuffer was marked Federal Election Commission Exhibit 2 for identification, and retained by counsel.)

BY MR. SPIEGEL:

Q Was it your idea to put in the second sentence of that paragraph or was that somebody else's thinking? The sentence that asks you to insert the pieces in the pay envelopes of employees?

A It is really hard to remember. I can't say for sure it was my idea. I mean I wrote it. The piece had always been referred to as a payroll stuffer. What that means I am not sure.

Q Then it says another payroll piece covering other important issues to be released in October. Was there one released in October?

A Yes.

Q So there were two of these things?

A Yes. What happened, I don't know if you are even interested, but what happened, this piece came as a result of requests from members. They said we don't know how these

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gentlemen stand on the elections. We didn't know how they stood either, I mean really. What is on there except for fillers and a lot of those are fillers are issues that we are involved in, involved in common situs, we were involved in Davis-Bacon. We always are. That is all we are involved in. If we stand for strikers, an editorial once in a while, things like Federal deficits. We are not involved in busing. That is on there as a filler. I am not sure what else. Post card registration, by that time it was moot, I believe. In New York City we don't really give a damn about it, either way.

(Laughter.)

THE WITNESS: What happened was after the issues that we are generally involved in were passed, I mean after I got those down, and that is not, I am not obviously proud of that because it is so ambiguous that what happened to the second payroll stuffer was we got complaints from members saying which side are you on? The reason it was like that was because we had worked with counsel. We had done similar things like this many times and we do it in different forms. For instance, when you do a voting check list, in fact we just did one this month of how people voted during the year, that is almost the same thing as this.

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This one we tried in a different form. When we talked about employees, we talk about mostly, as far as I was concerned I was talking about principals in the firm because that is all we deal with. There are 400,000 employees we figure, it is estimated, within ABC. Twenty-five members certainly isn't going to register. If we were going to send it to below that, with the average number of employees of ABC firms, about 44, I mean these are full time employees which means supervisor employees. To go beyond that would cost thousands of dollars.

BY MR. SPIEGEL:

Q So you were just aiming at this group of employees that you just mentioned?

A Yes. We did a very poor job of it. To go to supervisors, because I was getting calls saying what side are we on? We had never taken a position. Or ABC generally hadn't taken a position of saying vote for this guy or vote for this guy. We just have never done it on a national level. What we tried to do was find out what each position was.

If you read it carefully, there really isn't a hell of a lot on either position because while there was information on common situs, Carter certainly wasn't interested in common situs at that point. What information there was wasn't

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HEMLOCK
ERASABLE
COTTON CONTENT

generally public. I mean it wasn't like in the New York Times, you know, Carter comes out against common situs or Carter comes out against Davis-Bacon. It just didn't exist which, you know, leads for this innocuous -- I mean I worked on several campaigns.

Q Did this later October thing that is mentioned have the same circulation, this October stuffer?

A It is hard to say. I saw a copy of this this morning and because I asked to see one, I couldn't remember. I can't really remember what it looked like. Alan Dye mentioned it had a cartoon on it, but I can't remember a cartoon unless it was just something that we had stuck on the thing that had grown out of the common situs fight before that. It may have just been stuck on there or something that had been done before for our members and we just put that in this.

Q Were there any others during the course of the year that you can remember?

A Payroll stuffers themselves?

Q Yes, on political Federal election campaign issues?

A You know, that is hard to say because I can't --

Q The reason I ask, because you sound very conversant with this type of thing and it sounds as if you did more of those.

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HEMLOCK
ERASABLE
GREEN CONT'L

A The reason I do it because we just completed several on labor law reform.

In essence, you know, if you want to go that far back, yes, that is still a Federal issue. I mean, I guess what determines the Federal issue is the timing on it, who is talking about it.

Q I meant campaign issues, around the time of the campaign, something like this that compares candidates.

A There may have been in the magazine, I am not sure, a voting record of the Congress, but I am -- it would probably be on those same issues because that is all we are concerned with. We don't get involved with, like public works programs. We are not interested in those things. We are not interested in a lot of construction issues. We deal in a very narrow kind of area.

Q I am going to show you a copy of a bill from a group called "Arundel Mailing" and it refers to a Scoop brochure, 25 copies, Notice of Federal Elections. It is referring to the item that we were just talking about and 9,548 labels, 25 copies each.

Do you have any connection with the billing end after these things are printed up?

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A I am supposed to approve the bill.

Q Is that a bill that you approved?

A No. It is not. Well, it is billed to my department. And this is what I mean when I say Bruce Crockett never really worked for me.

(Laughter.)

THE WITNESS: While this bill should have come through me, it didn't.

BY MR. SPIEGEL:

Q The figure 9,548 is mentioned there. Is that approximately the number of members that you would have been mailing these to?

A Yes. These are computer-generated labels and that is how many that would have been mailed. That doesn't mean that is how many were opened, if you know our members at all.

Q In addition to that mailing, were any copies of it sent to your local chapters?

A Yes. I suspect -- well, Alan mentioned this morning a figure of 1,000. We do things in really finite figures like thousand or 1,500, you know. There is no formula for it.

So I suspect by calling the chapters you would probably, at the time we must have had around 50 chapters. If you were

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to call the chapters now, probably 40 of them have a thousand of them in their closet.

Q After these things were sent out, did anybody make any requests for more copies to your knowledge?

A Beyond the thousand they have? Not that I know of.

Q Let's start with the chapters, chapters call you and say we would like some more copies?

A I don't believe so.

Q How about any people working under you?

A It is unlikely. The reason I am not clear on it is because the common situs, I am not sure if it was over at that time, you know. We got a number of requests on the common situs brochures, but I don't think we did on this at all. In the first place, it was innocuous, to be kind.

Q Would the situs brochure also go out, 25 copies to member firms?

A No. I don't think so. That is a whole different thing. I am not even sure all of the things we sent out on common situs. There are two common situses, too, which is a problem.

Q How about among member firms? That is apart from chapters? Did anybody call up and say we want more than 25

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GINNIE MAE
COTTON CONTENT

JC 13

copies?

A I can't say definitely. There may even be some, I mean none stick out in my mind. I do recall a thousand were sent to, somehow, some Republican campaign headquarters which I really loved. I am not sure if they were distributed in force or not.

Q Let me show you one more copy --

A It was a Democratic campaign.

Q Let me show you a copy of one more bill. This is Reese Press. This is from the bill stuffers themselves. Did this go through your office?

A No. My initials aren't on it. It was billed to my department.

Q Gary, do you have any questions you would like to ask?

MR. LIPKIN: Yes. I have a few, Mr. Robertson.

JC ends
BL fls.

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BY MR. LIPKIN:

Q That bill from Arundel Mailing that Mr. Spiegel showed you a few minutes ago, it spoke of 9,548 entities getting 25 copies each of that. That works out to somewhere in the neighborhood of 240,000 being mailed. Assuming that 50 chapters, I think you said, got a thousand copies, besides the members, there were 50 chapters that got them, that leaves something like 120-odd thousand copies of this Notice of Federal Election laying around somewhere.

Do you have any idea what might have happened to that 120,000 copies?

A Yes. I brought them to Washington and sold them on the street corner. No.

(Laughter.)

MR. SPIEGEL: How much did you get a copy?

THE WITNESS: Actually, I paid them to take them.

(Laughter.)

THE WITNESS: No. They were destroyed. I suspect it was a couple of months after the original amount, and they were all over the place, and we recycled things that aren't used. So they were hauled away to Boy Scouts or somewhere.

BY MR. LIPKIN:

Q You would have been the one who would have made that

HEMLOCK

decision as to destruction?

A Yes.

Q It was around 110 or 120,000 copies of them?

A The exact numbers I don't know. They came to me, said what do you want to do with these. I threw them away. We couldn't even find them around the office, a couple of months ago, I guess. It is not something I would put in my resume.

Q Were these destroyed all in one batch or bits and pieces?

A No. All at once. There was no reason to keep them unless you would like Federal Election Notice bookmarkers or something.

Q Why was it that there were so many left? That is a huge number.

A It has to do with our wonderful ordering system. Associations' management isn't known for their exactness and money-saving abilities. So the idea is,what they do is sit down and say, gentlemen, how many should we order, or it has also something to do with the internal public relations. When an executive member says how many did you print, we say we print a half a million, or that is just an example or

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whatever. The numbers sometimes make them think it is more important than it actually is. This isn't something that was done that we thought would have a great deal of impact. It was done because we had requests from members. It wasn't something that we had thought up to do on our own. We had to produce something. That is part of the internal association of PR, where if you have requests you have to provide that information. That is really what the intent of it was; information that was almost impossible to get.

Q Did all of your chapters get the copies of this brochure? Is 50 the total number of chapters?

A However many chapters there were, whenever we mail anything, usually we get half calling in and saying we didn't get it. What they did do is they got it and didn't do anything with it or didn't open it. They get on a daily basis, they must get at least 100 letters or a package, the combination of the two, from the national office every day. A great deal of information goes through it.

BY MR. SPIEGEL:

Q Were any instructions sent out with it when it went to the local chapters?

A No.

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Q How about the newsletter, did it go with it?

A No.

Q Do they get the newsletter?

A They would get one copy.

BY MR. LIPKIN:

Q Were perhaps oral instructions given?

A No.

Q Over the telephone?

A No.

MR. LIPKIN: I have nothing else.

MR. SPIEGEL: Thank you.

(The documents referred to were marked FEC Exhibits 3-A and 3-B respectively for identification, and retained by counsel.)

(I have read the foregoing pages 3 through 19 inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded.)

SCOTT ROBERT ROBERTSON

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HEMLOCK ERASABLE COTTON CONTENT

HEMLOCK
ERASABLE
CORRASABLE

CERTIFICATE OF SHORTHAND REPORTER

I, Raleigh E. Milton, shorthand reporter, do hereby certify that the testimony of the witness appearing in the foregoing deposition at pages 3 through 19, inclusive, was taken by me in shorthand and thereafter reduced to typewriting under my direction; that the said deposition at said pages is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Raleigh E. Milton
Shorthand Reporter

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Milton & Greenwood Reporting Associates, Inc.

(formerly Reynolds Reporting Associates, Inc.)

R. E. Milton
President
P. L. Greenwood
Vice President
Secretary-Treasurer

General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036

Phone:
202-833-3698
202-833-3699
Notary Public
D.C.-Va.-Md.

January 20, 1978

Mr. William E. Higgins
c/o David Spiegel, Esq
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D.C. 20463

Re: JAMES A. FEDERLINE, INC., MUR 274 (76)

Dear Mr. Higgins:

The original copy of your deposition in the above-captioned case taken January 19, 1978, is submitted herewith for your reading and signing as requested by counsel.

Enclosed herewith are instructions for reading and signing.

Upon completion of the reading and signing the original copy will remain with the Federal Election Commission for filing.

Sincerely yours,

MILTON & GREENWOOD
REPORTING ASSOCIATES, INC.

Douglas S. George

Douglas S. George
Administrative Assistant

cc:
Alan Dye, Esq.
File

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Please follow the procedure enumerated below in order to comply with the rules.

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3. Place an asterisk at the end of each correction and at the bottom of each page state your reason for the correction.

The rules require a reason for any change or correction. It may be general, such as, "to correct stenographic error," or "to clarify the record," or "to conform with the facts."

ORIGINAL

LAKE/L

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	:	
	:	MUR 274 (76)
JAMES A. FEDERLINE, INC.	:	

Washington, D. C.

Thursday, January 19, 1978

Deposition of

WILLIAM EUGENE HIGGINS

a witness, called for examination by counsel for the Federal Election Commission, taken at the offices of the Federal Election Commission, 1325 K Street, N. W., Washington, D. C., beginning at 1:00 o'clock p.m., before David Spiegel, when were present on behalf of the respective parties:

For the Federal Election Commission:

DAVID SPIEGEL, ESQ.
GARY D. LIPKIN, ESQ.
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

For Associated Builders and Contractors, Inc.:

ALAN DYE, ESQ.
WEBSTER & CHAMBERLAIN
1747 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)
OFFICIAL REPORTERS
1028 Connecticut Ave., N.W., Suite 1100
Washington, D.C. 20036
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WITNESS:	EXAMINATION BY COUNSEL FOR: FEDERAL ELECTION COMMISSION (Mr. Spiegel)	(Mr. Lipkin)
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EXHIBITS

Marked for identification and retained:	Page
Federal Election Exhibit No. 1 - Notice of Federal Election	5
Federal Election Exhibit No. 2 - Bill from Arundel Mailing	5

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Thereupon

WILLIAM EUGENE HIGGINS

a witness, was called for examination by counsel for the Federal Election Commission and, after having been sworn by David Spiegel, Esq., was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION

BY MR. SPIEGEL:

Q State your name for the record.

A Full name?

Q Yes.

A William Eugene Higgins.

Q Who are you employed by?

A Associated Builders and Contractors.

Q What is your home address?

A 15128 Watergate Road, Silver Spring, Maryland.

Q What is the firm's address?

A 444 North Capitol Street.

Q Do you have an attorney present?

A Yes.

Q Identify him by name.

A Alan Dye, Webster and Chamberlain.

Q What position do you hold with Associated Builders

ERASABLE
COTTON CONTENT

and Contractors?

A Assistant Executive Vice President.

Q What are the duties of that position?

A Basically coordinating work among various departments directed by the Executive Vice President.

Q In 1976 were those the same duties that you had or same position?

A No. It wasn't. I was the managing director of public affairs.

Q What did that involve?

A It involved coordinating work between departments, but it was a separate function at that time. I had certain departments for which I coordinated the work.

Q During the course of your duties on that job did you come across a document entitled -- brochure entitled Notice of Federal Election?

A Yes.

Q If you would like you can take a look and get familiar with it.

A Well, I am not familiar with all the questions on it.

Q We are going to enter that as our Exhibit 1, and after you have had a chance to look at it, Mr. Lipkin is going to

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ask you a few questions.

(The Notice of Federal Election was marked Federal Election Exhibit No. 1 for identification and retained by counsel.)

BY MR. LIPKIN:

Q I have here a bill for a mass mailing from Arundel Mailing, which appears to be a mass mailing firm, Exhibit No. 2.

(The bill from Arundel Mailing was marked Federal Election Exhibit No. 2 for identification and retained by counsel.)

BY MR. LIPKIN:

Q I speak of a mailing of 25 copies of that Notice of Federal Election to about a thousand of each of your members. Are you familiar with that bill?

A Yes.

Q You initialed it?

A Yes.

Q Do you happen to know if any additional copies of this were mailed to any of those members?

A In addition to those specifically? Not to my knowledge.

Q Would they have contacted you or members of your

7904009324 3

office if a member did want extra copies?

A They would contact us or chapter office.

Q I see. You personally, never took any orders?

A No.

Q Were any copies of that brochure ever mailed to any of your chapters?

A My recollection is we probably sent a group of over-run copies to chapters.

Q Would requests have come to you or your office?

A Could have come to the office.

Q Do you recall any?

A I don't recall any.

Q Were any other materials prepared by you in the fall of '76?

MR. SPIEGEL: I think I should tell you there was mentioned a cartoon.

THE WITNESS: There was a cartoon in addition that could have come out sometime after this.

BY MR. LIPKIN:

Q Was anything else prepared similar to this Notice of Federal Election?

A Not that I recall.

HEMLOCK ERASABLE CONTENT

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MR. LIPKIN: That is all.

MR. SPIEGEL: Any questions, Mr. Dye?

MR. DYE: No.

MR. SPIEGEL: I see. Thank you for coming.

(I have read the foregoing pages 3 through 6, inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded.)

WILLIAM EUGENE HIGGINS

HEMLOCK
ERASABLE
COTTON CONTENT

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CERTIFICATE OF SHORTHAND REPORTER

I, Bobbie C. Lake, shorthand reporter, do hereby certify that the testimony of the witness appearing in the foregoing deposition at pages 3 through 7, inclusive, was taken by me in shorthand and thereafter reduced to typewriting by me; that the said deposition at said pages is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Bobbie C. Lake
Shorthand Reporter

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HEMLOCK ERASABLE COTTON CONTENT

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)

R. E. Milton
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Vice President
Secretary-Treasurer

General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036

Phone:
202-833-3598
202-833-3599
Notary Public
D.C.-Va.-Md.

January 20, 1978

Mr. Bruce Crockett
c/o David Spiegel, Esq.
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington,D. C. 20463

Re: JAMES A. FEDERLINE, INC., MUR 274 (76)

Dear Mr. Crockett:

The original copy of your deposition in the above-captioned case taken January 19, 1978, is submitted herewith for your reading and signing as requested by counsel.

Enclosed herewith are instructions for reading and signing.

Upon completion of the reading and signing the original copy will remain with the Federal Election Commission for filing.

Sincerely yours,

MILTON & GREENWOOD
REPORTING ASSOCIATES, INC.

Douglas S. George
Douglas S. George
Administrative Assistant

cc:
Alan Dye, Esq.
file

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3. Place an asterisk at the end of each correction and at the bottom of each page state your reason for the correction.

The rules require a reason for any change or correction. It may be general, such as, "to correct stenographic error," or "to clarify the record," or "to conform with the facts."

ORIGINAL

LAKE/L

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	
JAMES A. FEDERLINE, INC.	MUR 274 (76)

Washington, D. C.

Thursday, January 19, 1978

Deposition of

BRUCE CROCKETT

a witness, called for examination by counsel for the Federal Election Commission, taken at the offices of the Federal Election Commission, 1325 K Street, N. W., Washington, D. C., beginning at 12:55 o'clock p.m., before David Spiegel, when were present on behalf of the respective parties:

For the Federal Election Commission:

DAVID SPIEGEL, ESQ.
GARY D. LIPKIN, ESQ.
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

For Associated Builders and Contractors, Inc.:

ALAN DYE, ESQ.
WEBSTER & CHAMBERLAIN
1747 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Milton & Greenwood Reporting Associates, Inc.
(Formerly Reynolds Reporting Associates, Inc.)
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WITNESS:	EXAMINATION BY COUNSEL FOR: FEDERAL ELECTION COMMISSION (Mr. Spiegel)	(Mr. Lipkin)
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Marked for identification and retained:	Page
Federal Election Exhibit No. 1 - Notice of Federal Election	5
Federal Election Exhibit No. 2 - Bill from Arundel Mailing	5

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COTTON CONTENT

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Thereupon

BRUCE CROCKETT

a witness, was called for examination by counsel for the Federal Election Commission and, after having been sworn by David Spiegel, Esq., was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION

BY MR. SPIEGEL:

Q State your name for the record, sir.

A Bruce Crockett.

Q Where are you employed?

A Associated Builders and Contractors.

MR. SPIEGEL: Let me go off the record for a few seconds.

(Discussion off the record.)

BY MR. SPIEGEL:

Q What is your address, sir?

A My home address or business?

Q Business address.

A 6701 Elkridge Landing Road, Elkridge, Maryland.

Q Are you aware that you have a right to have an attorney present?

A Yes.

Q Do you have an attorney present?

HEMLOCK

A He represents me.

MR. SPIEGEL: Would you identify yourself?

MR. DYE: Alan Dye.

BY MR. SPIEGEL:

Q What are your duties at Associated Builders and Contractors?

A Right now director for conventions and meetings. I was formerly director of the publications department or manager of publications.

Q In 1976 what were your duties?

A Manager of the publications department.

Q What does that mean?

A That means coordinating and having printed any materials that the association would use or all printed material that the association would use would come through my department. I would see to it -- I would distribute them to the printer, get bids, distribute them to the printer when they came back. I'd see to it that they were finished. If they were to be mailed out, they were mailed; and regular follow-through of a print manager.

MR. SPIEGEL: Mr. Lipkin is going to ask several questions about an item, Notice of Federal Election. He will

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show it to you now and you can take a quick look at it. We will enter it as Federal Election Exhibit 1.

(The Notice of Federal Election was marked Federal Election Exhibit No. 1 for identification and retained by counsel.)

THE WITNESS: This, the yellow?

MR. SPIEGEL: It is the yellow. Take your time, if it is not already familiar.

THE WITNESS: I am familiar with it.

MR. SPIEGEL: Do you have any questions?

THE WITNESS: No.

BY MR. LIPKIN:

Q We have here a copy of a bill from a mass mailing service, Arundel Mailing. I would like to enter this as Exhibit No. 2. Are you familiar with it?

(The bill from Arundel Mailing was marked Federal Election Exhibit No. 2 for identification and retained by counsel.)

THE WITNESS: Yes. My initials are on it.

BY MR. LIPKIN:

Q It says about 25 copies each of these notices were mailed to a certain number of members of your association.

A That is correct.

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Q Did any of these members ever contact you for extra copies of this?

A Not to my recollection.

Q Do you have any idea who they might have contacted for extra copies?

A They would have to come to me or my department. My department was in charge of mailing them out, and I don't really recall any extra that were sent out.

Q Were any copies of this notice, Exhibit 1, ever mailed to any of your chapters, as opposed to your members, to your knowledge?

A We always sent a small group to chapters on most of our mailings.

Q If a chapter wanted extra copies, would they have contacted your division specifically or you?

A Yes.

Q Did they?

A Not to my recollection. We considered it a bust. We got no requisitions for anything.

Q I see. In a deposition on Tuesday of this week one of your recently departed colleagues, Scott Robertson, said a rather large number of those payroll stuffers were destroyed.

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Were you aware that such a large number were destroyed? Apparently it was in the neighborhood of 110,000.

A It probably was 110,000.

Q Do you have any recollection as to how they were destroyed?

A We call the mail house and ask them to take them to the dump, same as we do any materials we are no longer using.

Q Would that have been you or someone in your department?

A Most likely it would be me. Could have been my assistant.

Q Do you recall?

A No. But at the same time he would call me and say I have got a lot of these yellow forms and lots of this and that, and I would say dump, and it could have been done that way.

Q To your knowledge were any other materials prepared in the fall of 1976 by ABC?

A We had this, and we had a cartoon on both sides, I believe. Art work.

Q Nothing else that compares in similar fashion to the Notice of Federal Election?

A No. Only those two.

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MR. SPIEGEL: Do you have any questions, Mr. Dye?

MR. DYE: I don't know if I really do or not. Can we go off the record?

(Discussion off the record.)

MR. SPIEGEL: Okay, that is it. Thank you for coming.

(I have read the foregoing pages 3 through 7, inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded.)

BRUCE CROCKETT

7904090325-6

HEMLOCK
ERASABLE
COTTON CONTENT

CERTIFICATE OF SHORTHAND REPORTER

I, Bobbie C. Lake, shorthand reporter, do hereby certify that the testimony of the witness appearing in the foregoing deposition at pages three through eight, inclusive, was taken by me in shorthand and thereafter reduced to typewriting by me; that the said deposition at said pages is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Bobbie C. Lake
Shorthand Reporter

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HEMLOCK
ERASABLE
COTTON CONTENT

E X H I B I T S

Marked for Identification and Attached: Page

Front page of "Scoop"
FEC Exhibit No. 1 7

Payroll stuffer
FEC Exhibit No. 2 9

Bill from Reese Press, Inc.
FEC Exhibit No. 3 11

Document entitled "Arundel Mailing"
FEC Exhibit No. 4 17

- - -

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BEFORE THE FEDERAL ELECTION COMMISSION

- - - - - - - - - - - - - - - - - -x
:
In the Matter of: :
: MUR 274 (76)
JAMES A. FEDERLINE, INC. :
:
- - - - - - - - - - - - - - - - - -x

Washington, D. C.

Monday, December 19, 1977

Deposition of

CLARENCE B. RANDALL, JR.

a witness, called for examination by counsel for the Federal Election Commission, taken at the offices of the Federal Election Commission, 1325 K Street, N.W., Washington, D. C., beginning at 10:25 o'clock a.m., before David Spiegel, when were present on behalf of the respective parties:

For the Federal Election Commission:

DAVID SPIEGEL, ESQ.
GARY LIPKIN, ESQ.
Assistant General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

For Associated Builders and Contractors, Inc.:

ALAN DYE, ESQ.
1747 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

EXAMINATION BY [illegible]
REDACTED BUSINESS INFORMATION
INC.)
(MUR [illegible])

- - -

E X H I B I T S

Marked for Identification and Attached: Page

Front page of "Scoop"
FEC Exhibit No. 1 7

Payroll stuffer
FEC Exhibit No. 2 9

Bill from Reese Press, Inc.
FEC Exhibit No. 3 11

Document entitled "Arundel Mailing"
FEC Exhibit No. 4 17

- - -

Q Could you state your name for the record?

A Clarence E. Randall, Jr.

Q Where are you employed?

A Associated Builders and Contractors, Incorporated.

Q How long have you been employed by them?

A Eight years.

Q What is your position with Associated Builders and Contractors?

A Director, Government Affairs.

Q What does that mean in practical terms and duties?

A In practical terms, it means to oversee the day-to-day government relation activities both within the Administration and the Congress as they impact on our membership.

Q How many people work in your office?

A In the Government Relations Division or within ABC?

[redacted]

Q [redacted] Are you involved in the publishing of a newsletter called "Scoop"?

A I could offer information to that newsletter, legislative information. I am not the editor of "Scoop."

Q Who is the editor?

A Director of Public Relations, Scott Robertson.

Q Is Mr. Robertson supervised by you or is he on a separate line?

A He would be another department head, not supervised by me.

Q So your contact with "Scoop" is basically just to contribute information that Robertson might ask you for at times?

A That is correct.

Q About how many people work on the publication of

[illegible] and the secretary [illegible] and I don't remember her last name.

Q To the best of your knowledge, how many members does ABC have?

A Currently it is close to 12,000.

Q By a member, what is meant by that?

A A general contractor, a subcontractor, and an associate or affiliate within the construction business.

Q Is there any distinction between a member at large and a member?

A There is not.

Q How about the chapters of ABC itself? Is that a separate entity apart from the members?

A Apart from the members?

Q Yes. Would a chapter of ABC, Inc., National be

[redacted] of ABC?

A Yes. They are an affiliate.

Q How many affiliates do you have?

A Currently, [redacted] chapters, [redacted] colonies, [redacted] [redacted].

Q [redacted] [redacted] throughout the country?

A They are.

Q Would Yankee Chapter be an example of that?

A Yes. They have changed the name, but that is how you understand it, yes.

Q I am going to show you a copy of a "Scoop" newsletter that is dated September 8, 1976. This is the front page of that. It is four pages. If you look down the page, you will see there is an asterisk next to one of the portions. Take your time and read that paragraph.

Is this an issue that you have had any connection with, the September 8th issue?

A I recall it, yes.

Q Did you have anything to do with that paragraph with the asterisk next to it?

A I did not write it.

Q Do you know who did?

[illegible] no, that's [illegible] this [illegible]

[illegible]

Q Did anybody speak to you about this [illegible]?

A I had general discussion [illegible] but no one asked me to [illegible] as to why is this right, [illegible] wrong.

MR. SPIEGEL: At this point, let me just enter this as Federal Election Commission Exhibit 1, the front page of "Scoop."

(The front page of "Scoop" was marked FEC Exhibit No. 1 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q That "Scoop" newsletter refers to 25 payroll stuffers. I am going to show you a copy of the payroll stuffer which is actually titled "Notice of Federal Election. Election Issues that Could Affect your Job." There are approximately eight things under that.

Is that something you have any familiarity with?

A Yes, it is.

Q Did you have anything to do with the production of that?

[illegible] would have been the only other person, other than my secretary who would have had no more to do with it other than just typing up material.

Q You say you did the research on this?

A We did the research, yes. It was taken from printed sources, either through The Washington Post, Women's League of Voters, public sources.

Q Were there any other brochures prepared like this? Let's not call it a brochure. Let's call it a stuffing.

A Not to my knowledge.

Q This is the only one of the election year that was prepared?

A No. I believe there were two that were prepared, or information was gathered for two.

Q Was the other one actually printed?

Q Is this the ballot stuffer that is in fact being referred to in the Decop newsletter?

A We didn't call it a ballot stuffer.

Q I am sorry. Strike that. Let's call it a payroll stuffer.

A It is.

MR. SPIEGEL: Let me enter that, again for informational purposes, as Federal Election Commission Exhibit 2.

(The payroll stuffer was marked FEC Exhibit No. 2 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q Now, the next thing I have is a bill from Reese Press, Incorporated. Is that a group that you are familiar with?

A I am not familiar with it. I would not normally get in contact with our printing people, whomever we do business with.

Q Let me show you a copy of the bill anyway and ask you some questions about it. It refers to 409,000 copies of this payroll stuffer being printed. Is that a number that you

Q Do you know who would have ordered that printing or had responsibility to do with this process?

A I don't know who would have ordered it, actually. I don't deal with the printing people. I'd say came for 5 minutes what 100,000 means.

Q Let me rephrase the question and put it another way. Would you know who would be likely or who would have contacted the printing people to ask them to print this thing up?

A I presume it would have been one of three people: either Mr. Robertson, a gentleman by the name of Gene Higgins --

Q What was his position?

A He is Manager of Public Affairs, my immediate supervisor. And the third person -- and again he has since moved into a different position with ABC, but I see his initials on the bill so he must have had something to do with at least approving invoices -- Bruce Crockett.

Q What is his position?

A At the time it was Director of Publications. You have got to understand that ABC in the last two years has gone

[redacted] a lot of people now hold different jobs that really don't relate to what they did before. That particular gentleman is now Convention Chairman.

Q But you, yourself, as I understand it, had no connection at all with this bill?

A I don't order things from the printers and I don't approve invoices.

MR. SPIEGEL: Let me enter that Reese bill as Federal Election Commission Exhibit 3.

(The bill from Reese Press, Inc., was marked FEC Exhibit No. 3 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q The next item that I am showing you is a group called Arundel Mailing. It is really for the mailing of these copies of this notice, the 409,000 copies. It refers to I think mailing 25 copies to a certain number of members.

A 9,548.

Q Did you have any connection with this whole billing or with the instructions that must have produced this bill?

A No. This is one [illegible]. They [illegible] us of our mailing. Again, this is [illegible]. The same individuals that [illegible] were also [illegible] same [illegible].

Q [illegible] to any other individuals you could think of?

A Not that I am aware of. Again, it is the same initials on the invoice.

Q The word members I think is used on there, if I am not mistaken, 25 times 9,000 and some odd figure.

A The word members does not appear on here.

Q Strike that.

The number 9,548, is that a reference in your knowledge to the number of members who would have been getting this thing?

A I have to suspect that was our membership at the time, yes.

Q Were any copies of this sent to anybody else as parties that are represented on this sheet of paper?

A Not that I am aware of.

[illegible]

Q No.

A [illegible]

Q [illegible]

A [illegible]

Q How many copies would you say?

A I don't know. I read the reference on the "Scoop" piece that additional copies are available, but I don't recall a specific number and what it was that was sent to each. I know a quantity was sent to each, but I don't recall the number.

Q Did groups call in after they got their initial quantity and ask you for more copies?

A They could have. But they would not have called me. They would have called our Publications Division who had this material and handles the mailings, and it would have been like a self-executing thing. A phone call would come in and the material would have gone out.

Q Do you know who would have handled that, person or persons?

of the people, Judy Morrison and this gentleman, [illegible] that I mentioned. I believe at the time, and I am not sure of this, but I believe at that time Maurice [illegible] was under the supervision of the Publications rather than the Public Relations Director. I believe that is so.

Q In this "Scoop" newsletter that I mentioned, and the paragraph there, referring to a sentence stating, "We ask you to insert these informative and educational pieces in the pay envelopes of your employees," do you know of what type of statement was ever repeated when additional copies of this were sent out or requested?

A I would have no idea if it was or wasn't, again because I didn't receive the phone calls for it.

Q If you total up the costs of the mailing from the Arundel Mailing people, I think you come up with a figure around 240,000, roughly, which leaves about 170,000 additional copies that were printed that apparently were lying around. Were any of these copies in your knowledge destroyed?

A I have no idea. I do know we had trouble even finding a copy of it, though, once you requested it.

A No. When you requested information, we had trouble coming up with a copy of it. We had to go back and get the file from [illegible]. So it sounds as if they were discussed.

Q Who would have done that if it had been done? Who would have made that decision?

A Well, probably, again I would have to say the Publications people. Now whether they were at ABC or whether they were at the mailing house I don't know.

Q The Publications people is Cox, that group?

A Cox, Morrison, Crockett, Robertson.

I know you might have difficulty in understanding the structure of it.

Q Did you have an organizational chart at that point by any chance?

A On paper, no. In theory, yes. We now have one on paper.

Q I can understand that.

A Yes. We have been growing at a very rapid rate. There have been a number of personnel changes, moving different people around.

[redacted]

[redacted]

[redacted]

[redacted]

Q In your knowledge, did any of these members ever call you and ask for additional copies?

A They could have called the department and they could have spoken with me directly, but I can't recall with specific reference a member by name who would have called me. Once something like this, or once a program is established, it really becomes self-executing, and it is not as if they would call me. They might call one of my assistants. They might call my secretary. They might call someone not even related to the piece, just that they happen to know that person by name or talking to them and they say, "You know, gee, pass this along. I need this." And a record is not kept of this.

Q How about local chapters? Do you recall that any of them ever called you and asked for additional copies?

A Again, with specific reference, I can't recall one.

[illegible] (Discussion off the record.)

[illegible] (Back on the record.)

(The document entitled [illegible] was marked for identification as Exhibit [illegible] and is attached to the original of this deposition.)

BY MR. SPIEGEL:

Q On the Arundel mailing, which I believe is our Exhibit 2, are there any initials there that identify who is connected with that?

A Gene Higgins is this one on the bottom. That would be Bruce Crockett. That obviously is a reference to Public Relations. That I am at a loss. I don't even know what it says.

Q How about this Reese Press bill which would be our Exhibit 3?

A The same two initials.

Q Gene Higgins and Bruce Crockett?

A Yes.

Q Mr. Randall, do you have counsel present today?

A Yes.

MR. SPIEGEL: Will counsel state his name?

MR. DYE: Alan Dye.

I don't think they are going [illegible] we

can get the information so we can get the thing over with

Mr. Arnold: Thank you.

(I have read the foregoing pages 3 through 17, inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded.)

CLARENCE B. RANDALL, JR.

[illegible] testimony of said witness concerning the said deposition

[illegible] deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

_____

Shorthand Reporter

Milton & Greenwood Reporting Associates, Inc.

(formerly Reynolds Reporting Associates, Inc.)

R. E. Milton
President
P. L. Greenwood
Vice President
Secretary-Treasurer

General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036

Phone:
202-833-3598
202-833-3599
Notary Public
D.C.-Va.-Md.

January 11, 1978

David Spiegel, Esq.
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: JAMES A. FEDERLINE, INC., MUR 274 (76), Deposition of CLARENCE B. RANDALL, JR., Taken December 19, 1977.

Dear Mr. Spiegel:

Mr. Randall has read and signed his deposition without corrections, therefore said original deposition is submitted to you for filing.

Sincerely yours,

MILTON & GREENWOOD
REPORTING ASSOCIATES, INC.

Douglas S. George
Douglas S. George
Administrative Assistant

cc:
file

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ORIGINAL

BEFORE THE FEDERAL ELECTION COMMISSION

- - - - - - - - - - - - - - - - - -x
:
In the Matter of: :
: MUR 274 (76)
JAMES A. FEDERLINE, INC. :
:
- - - - - - - - - - - - - - - - - -x

Washington, D. C.

Monday, December 19, 1977

Deposition of

CLARENCE B. RANDALL, JR.

a witness, called for examination by counsel for the Federal Election Commission, taken at the offices of the Federal Election Commission, 1325 K Street, N.W., Washington, D. C., beginning at 10:25 o'clock a.m., before David Spiegel, when were present on behalf of the respective parties:

For the Federal Election Commission:

DAVID SPIEGEL, ESQ.
GARY LIPKIN, ESQ.
Assistant General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

For Associated Builders and Contractors, Inc.:

ALAN DYE, ESQ.
1747 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)
OFFICIAL REPORTERS
1028 Connecticut Ave., N.W., Suite 1100
Washington, D.C. 20036
Phones: (202) 833-3598
833-3599

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C O N T E N T S

WITNESS:	EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION: (Mr. Spiegel)
CLARENCE B. RANDALL, JR.	3
	EXAMINATION BY COUNSEL FOR ASSOCIATED BUILDERS AND CONTRACTORS, INC.: (Mr. Dye)

MEMLOK ERASABLE COTTON

E X H I B I T S

Marked for Identification and Attached:	Page
Front page of "Scoop" FEC Exhibit No. 1	7
Payroll stuffer FEC Exhibit No. 2	9
Bill from Reese Press, Inc. FEC Exhibit No. 3	11
Document entitled "Arundel Mailing" FEC Exhibit No. 4	17

- - -

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Thereupon

CLARENCE B. RANDALL, JR.

a witness, was called for examination by counsel for the Federal Election Commission and, after having been sworn by David Spiegel, Esq., was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION

BY MR. SPIEGEL:

Q Could you state your name for the record?

A Clarence B. Randall, Jr.

Q Where are you employed?

A Associated Builders and Contractors, Incorporated.

Q How long have you been employed by them?

A Eight years.

Q What is your position with Associated Builders and Contractors?

A Director, Government Affairs.

Q What does that mean in practical terms and duties?

A In practical terms, it means to oversee the day-to-day government relation activities both within the Administration and the Congress as they impact on our membership.

Q How many people work in your office?

A In the Government Relations Division or within ABC?

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Q No, the government relations people.

A Five in addition to myself.

Q About how many would you say work in ABC overall; that is, just in your central office?

A We have two central offices, unfortunately. I would say approximately 45 people. We are in the midst of joining them together.

Q Are you involved in the printing of a newsletter called "Scoop"?

A I could offer information to that newsletter, legislative information. I am not the editor of "Scoop."

Q Who is the editor?

A Director of Public Relations, Scott Robertson.

Q Is Mr. Robertson supervised by you or is he in a separate line?

A He would be another department head, not supervised by me.

Q So your contact with "Scoop" is basically just to contribute information that Robertson might ask you for at times?

A That is correct.

Q About how many people work on the publication of

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"Scoop"?

A Including the typist?

Q Yes.

A Three.

Q Could you state their names, if you know them, other than Mr. Robertson?

A Well, there would be Mr. Robertson, Maurice Cox -- C-o-x -- and the secretary who is recently hired and I don't recall her last name.

Q To the best of your knowledge, how many members does ABC have?

A Currently it is close to 12,000.

Q By a member, what is meant by that?

A A general contractor, a subcontractor, and an associate or affiliate within the construction business.

Q Is there any distinction between a member at large and a member?

A There is not.

Q How about the chapters of ABC itself? Is that a separate entity apart from the members?

A Apart from the members?

Q Yes. Would a chapter of ABC, Inc., National be

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considered a member of ABC?

A No. They are an affiliate.

Q How many affiliates do you have?

A Currently, including chapters' information, I believe 60.

Q Are these spread throughout the country?

A They are.

Q Would Yankee Chapter be an example of that?

A Yes. They have changed the name, but that is how you understand it, yes.

Q I am going to show you a copy of a "Scoop" newsletter that is dated September 8, 1976. This is the front page of that. It is four pages. If you look down the page, you will see there is an asterisk next to one of the portions. Take your time and read that paragraph.

Is this an issue that you have had any connection with, the September 8th issue?

A I recall it, yes.

Q Did you have anything to do with that paragraph with the asterisk next to it?

A I did not write it.

Q Do you know who did?

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ERASABLE
COTTON CONTENT

A By name, no, but I presume the production staff of "Scoop."

Q Did anybody speak to you about that paragraph?

A I had general knowledge that it was to be produced. But no one asked me to proof it to say is this right, is this wrong.

MR. SPIEGEL: At this point, let me just enter this as Federal Election Commission Exhibit 1, the front page of "Scoop."

(The front page of "Scoop" was marked FEC Exhibit No. 1 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q That "Scoop" newsletter refers to 25 payroll stuffers. I am going to show you a copy of the payroll stuffer which is actually titled "Notice of Federal Election. Election Issues that Could Affect your Job." There are approximately eight things under that.

Is that something you have any familiarity with?

A Yes, it is.

Q Did you have anything to do with the production of that?

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A Myself and my staff helped to put together the issues; not the actual writing as it appears here, but to identify subject areas.

Q Who worked on this with you?

A On the candidates, it would have been my staff at the time. Because there have been changes, I want to be sure of this. A girl by the name of Debbie Nelson. I believe that would have been the only other person, other than my secretary who would have had no more to do with it other than just typing up material.

Q You say you did the research on this?

A We did the research, yes. It was taken from printed sources, either through The Washington Post, Women's League of Voters, public sources.

Q Were there any other brochures prepared like this? Let's not call it a brochure. Let's call it a stuffing.

A Not to my knowledge.

Q This is the only one of the election year that was prepared?

A No. I believe there were two that were prepared, or information was gathered for two.

Q Was the other one actually printed?

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A I believe not. I don't recall that it was.

Q Is this the ballot stuffer that is in fact being referred to in the "Scoop" newsletter?

A We didn't call it a ballot stuffer.

Q I am sorry. Strike that. Let's call it a payroll stuffer.

A It is.

MR. SPIEGEL: Let me enter that, again for informational purposes, as Federal Election Commission Exhibit 2.

(The payroll stuffer was marked FEC Exhibit No. 2 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q Now, the next thing I have is a bill from Reese Press, Incorporated. Is that a group that you are familiar with?

A I am not familiar with it. I would not normally get in contact with our printing people, whomever we do business with.

Q Let me show you a copy of the bill anyway and ask you some questions about it. It refers to 409,000 copies of this payroll stuffer being printed. Is that a number that you

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had any decisional authority in choosing?

A No, not at all.

Q Do you know who would have picked that number or had anything to do with this process?

A I don't know who would have picked it, again because I don't deal with the printing people. Let me think for a minute what 409,000 means.

Q Let me rephrase the question and put it another way. Would you know who would be likely or who would have contacted the printing people to ask them to print this thing up?

A I presume it would have been one of three people: either Mr. Robertson, a gentleman by the name of Gene Higgins --

Q What was his position?

A He is Manager of Public Affairs, my immediate supervisor. And the third person -- and again he has since moved into a different position with ABC, but I see his initials on the bill so he must have had something to do with at least approving invoices -- Bruce Crockett.

Q What is his position?

A At the time it was Director of Publications. You have got to understand that ABC in the last two years has gone

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HEMLOCK
REPRODUCED
COPY

through a considerable amount of reorganization. So I am trying to make sure that I get the time with the title, because a lot of people now hold different jobs that really don't relate to what they did before. That particular gentleman is now Convention Chairman.

Q But you, yourself, as I understand it, had no connection at all with this bill?

A I don't order things from the printers and I don't approve invoices.

MR. SPIEGEL: Let me enter that Reese bill as Federal Election Commission Exhibit 3.

(The bill from Reese Press, Inc., was marked FEC Exhibit No. 3 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q The next item that I am showing you is a group called Arundel Mailing. It is really for the mailing of these copies of this notice, the 409,000 copies. It refers to I think mailing 25 copies to a certain number of members.

A 9,548.

Q Did you have any connection with this whole billing or with the instructions that must have produced this bill?

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A No. This is our direct mail service. They handle all of our mailing. Again, I don't deal directly with them. The same individuals that I mentioned to you would have this same connection.

Q The same individuals you mentioned in connection with Reese publishing?

A Yes.

Q It wouldn't be any other individuals you could think of?

A Not that I am aware of. Again, it is the same initials on the invoice.

Q The word members I think is used on there, if I am not mistaken, 25 times 9,000 and some odd figure.

A The word members does not appear on here.

Q Strike that.

The number 9,548, is that a reference in your knowledge to the number of members who would have been getting this thing?

A I have to suspect that was our membership at the time, yes.

Q Were any copies of this sent to anybody else as parties that are represented on this sheet of paper?

A Not that I am aware of.

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Q How about to local chapters of ABC?

A Oh, well, they would have -- I thought your question was outside of ABC.

Q No.

A I have to suspect, yes, they did go to the chapters.

Q To all the chapters?

A Anything that would have gone to one would have gone to them all.

Q How many copies would you say?

A I don't know. I read the reference on the "Scoop" piece that additional copies are available, but I don't recall a specific number and what it was that was sent to each. I know a quantity was sent to each, but I don't recall the number.

Q Did groups call in after they got their initial quantity and ask you for more copies?

A They could have. But they would not have called me. They would have called our Publications Division who had this material and handles the mailings, and it would have been like a self-executing thing. A phone call would come in and the material would have gone out.

Q Do you know who would have handled that, person or persons?

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A It either would have been the person that was in charge in Publications or one of his assistants at the time of two people: Judy Morrison and this gentleman, Maurice Cox, that I mentioned. I believe at the time, and I am not sure of this, but I believe at that time Maurice Cox was under the supervision of the Publications rather than the Public Relations Director. I believe that is so.

Q In this "Scoop" newsletter that I have shown to you, the paragraph there, referring to a sentence stating, "We ask you to insert these informative and educational pieces in the pay envelopes of your employees," do you know if that type of statement was ever repeated when additional copies of this were sent out or requested?

A I would have no idea if it was or wasn't, again because I didn't receive the phone calls for it.

Q If you total up the costs of the mailing from the Arundel Mailing people, I think you come up with a figure around 240,000, roughly, which leaves about 170,000 additional copies that were printed that apparently were lying around. Were any of these copies in your knowledge destroyed?

A I have no idea. I do know we had trouble even finding a copy of it, though, once you requested it.

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HEMLOCK
ERASABLE
COTTON CONTENT

Q These were a hot item? They were just going out at a rapid pace?

A No. When you requested information, we had trouble coming up with a copy of it. We had to go back and get the file copy I believe. So it sounds as if they were discarded.

Q Who would have done that if it had been done? Who would have made that decision?

A Well, probably, again I would have to say the Publications people. Now whether they were at ABC or whether they were at the mailing house I don't know.

Q The Publications people is Cox, that group?

A Cox, Morrison, Crockett, Robertson.

I know you might have difficulty in understanding the structure of it.

Q Did you have an organizational chart at that point by any chance?

A On paper, no. In theory, yes. We now have one on paper.

Q I can understand that.

A Yes. We have been growing at a very rapid rate. There have been a number of personnel changes, moving different people around.

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Q You mentioned that you had 45 or 50 people at the start of this. How many did you have when the events that were involved is this mailing took place?

A Probably a similar number, give or take four or five.

Q So it is the membership that you are ferring to that has been growing?

A Yes.

Q In your knowledge, did any of these members ever call you and ask for additional copies?

A They could have called the department and they could have spoken with me directly, but I can't recall with specific reference a member by name who would have called me. Once something like this, or once a program is established, it really becomes self-executing, and it is not as if they would call me. They might call one of my assistants. They might call my secretary. They might call someone not even related to the piece, just that they happen to know that person by name or talking to them and they say, "You know, gee, pass this along. I need this." And a record is not kept of this.

Q How about local chapters? Do you recall that any of them ever called you and asked for additional copies?

A Again, with specific reference, I can't recall one.

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MR. SPIEGEL: Let's go off the record a second.

(Discussion off the record.)

(The document entitled "Arundel Mailing" was marked FEC Exhibit No. 4 for identification, a copy of which is attached to the court copy of this deposition.)

BY MR. SPIEGEL:

Q On the Arundel Mailing, which I believe is our Exhibit 4, are there any initials there that identify who is connected with that?

A Gene Higgins is this one on the bottom. That would be Bruce Crockett. That obviously is a reference to Public Relations. That I am at a loss. I don't even know what it says.

Q How about this Reese Press bill which would be our Exhibit 3?

A The same two initials.

Q Gene Higgins and Bruce Crockett?

A Yes.

Q Mr. Randall, do you have counsel present today?

A Yes.

MR. SPIEGEL: Will counsel state his name?

MR. DYE: Alan Dye.

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MR. SPIEGEL: Mr. Dye, do you have any questions you want to ask at this point?

MR. DYE: I can't say that I do. I think there were obviously some things in there I might have objected to, but I don't think they are going to prejudice anybody. We need for you to get the information so we can get the thing over with.

MR. SPIEGEL: Thank you.

(I have read the foregoing pages 3 through 17, inclusive, which contain a correct transcript of the answers made by me to the questions therein recorded.)

Clarence B. Randall

CLARENCE B. RANDALL, JR.

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HEMLOCK ERASABLE COTTON CONTENT

CERTIFICATE OF SHORTHAND REPORTER

I, Karen Hinnenkamp, shorthand reporter, do hereby certify that the testimony of the witness appearing in the foregoing deposition at pages 3 through 17, inclusive, was taken by me in shorthand and thereafter reduced to typewriting by me; that the said deposition at said pages is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Karen Hinnenkamp
Shorthand Reporter

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Baltimore Inter'l Airport
Baltimore Maryland 21240

Job # 1037
Inv # 8650

Sept 10,1976

SCOOP SEPT 8,1976'

9548-labels applied to envelopes,scoop brochure inserted plus 25 copies of "Notice of Federal Election" which had to be separated by slip sheet,inserted with Scoop,envelopes sealed tied,bagged and delivered to the post office at 50.00 perM

$477.40

50 - 28 = 152.40
58 - 28 = 325.00
477.40

P.R.

P.R. portion to be billed at 34.00 per thousand
Scoop " to be " at 16.00 " "

Amount $
Post to A/C
By Date
Checked By
CR | CO | J. E.

FEC Ex. No. 4

KH 12-19-77

REESE PRESS, INC.

CANDLER BUILDING ■ 714 EAST PRATT STREET ■ BALTIMORE ■ MARYLAND 21202 ■ 301/539-5774
WASHINGTON: ENTERPRISE 1-5774

SOLD TO
Asso. Bldrs. & Contractors, Inc.
P.O. Box 8733
Balto.-Wash. International
Airport, Maryland 21240

CUSTOMER'S ORDER NO.	OUR ORDER NO.	TERMS:	INVOICE DATE
	559	Net 30 Days	September 21, 1976

409,000 - Bill Stuffers
Printed 2 Sides in
Black Ink

$1,688.50
67.54 TAX

$1,756.04 TOTAL

Amount $ 1756.04
Post to A/C 58-25
By [illegible] Date [illegible]
Checked By
CR | CD | J. E.

A monthly interest charge of 1½ % will be made on the unpaid balance on accounts over thirty (30) days old.

FEC Ex No. 3
KH 12-19-77

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.

2. INCREASED FEDERAL DEFICIT
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.

3. DAVIS-BACON ACT REFORMS
FOR: PRESIDENT FORD
NO POSITION: CARTER

The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.

4. FORCED BUSING
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve

5. FEDERAL AID TO NEW YORK CITY
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.

6. POST CARD VOTER REGISTRATION
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.

7. GOVERNMENT PLANNED & CONTROLLED ECONOMY
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.

8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION
FOR: PRESIDENT FORD
AGAINST: JIMMY CARTER

Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

EC Ex. No. 2
KH 12-19-77

SCOOP

ROUTE TO:

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14)(b) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

FEC Ex. No. 1
KH 12-19-77

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Official
Transcript

David Spiegel, Esq.
Assistant GEneral Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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David Spiegel
Assistant General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

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SIGNED: _____

DATE: _____

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

JAMES A. FEDERLINE, INC., ET AL MUR 274 (76)

Deposition of CHARLES B. LAVIN, JR., a witness called for examination by counsel for The Federal Election Commission before Lucy A. Bramanti, Certified Shorthand Reporter, at the John W. McCormack Post Office and Courthouse, Boston, Massachusetts, on Monday, October 17, 1977, commencing at 12:10 p.m.

APPEARANCES:

JUDITH BROWNING, ESQUIRE, 1325 K Street, N. W., Washington, D. C. 20463, for The Federal Election Commission;

STONEMAN, CHANDLER & MILLER (By Carol Chandler, Esquire) 99 High Street, Boston, Massachusetts 02110, for Charles R. Lavin, Jr.

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PENGAD CO., BAYONNE, N.J. 07002 - FORM 740

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ERASABLE
COTTON CONTENT

CHARLES B. LAVIN, JR., a witness called for examination by counsel for The Federal Election Commission, having been first duly sworn by Judith Browning, Esquire, was examined and testified as follows:

Examination by counsel for The Federal Election Commission by Ms. Browning:

Q Would you state your name for the record, please?

A Charles B. Lavin, L-a-v-i-n, Jr.

Q And your address, please?

A Home address?

Q Yes, please.

A 25 Woody, W-o-o-d-y, Island, Hopkinton, Mass., 01748.

Q Are you aware of your right to have counsel present?

A Yes.

MS. BROWNING: Would counsel identify herself for the record, please?

MS. CHANDLER: Carol Chandler, Stoneman, Chandler and Miller, 99 High Street, Boston.

Q Mr. Lavin, where are you employed?

A I am employed in Waltham, Massachusetts, for the Associated Builders and Contractors, Incorporated, the Yankee Chapter.

Q And what is the address?

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A 235 Bear Hill Road, Waltham, 01748.
Q And in what capacity are you employed there?
A I am executive director.
Q For how long have you held that position?
A Oh, ten years.
Q Are you also associated with the -- I believe it's the Massachusetts Merit Shop Political Action Committee?
A Is that a question?
MS. CHANDLER: I don't know if that's related to this.
Q I believe they are associated with your Associated Builders and Contractors, Yankee Chapter.
A I don't think it's related to them.
MS. CHANDLER: These brochures, as I understand it, went to ABC.
THE WITNESS: It has nothing to do with the office in Waltham. They are two separate addresses.
MS. BROWNING: Off the record.
(Discussion off the record.)
Q Mr. Lavin, is the Massachusetts Merit Shop Political Action Committee at all associated with the Yankee Chapter, ABC, Inc.?
A No.
Q No, it is not.

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NEWSBACK
FREQABLE
COTTON CONTENT

The questions that I'm going to be asking you relate mostly to this particular brochure called Notice of Federal Election, Election Issues That Could Affect Your Job.

A Yes, ma'am.

Q Are you familiar with that particular piece of literature?

A Yes, I am.

Q Could you tell me when you received the first copy of that?

A It was received, I believe, approximately October of 1976. I have no specific date.

Q And how many copies were received at that time?

A I believe approximately 500 copies were received at that time.

Q From whom did you receive these?

A I received these from our National Office of the Associated Builders and Contractors in Washington, D. C.

Q Did you open the package or packages?

A I would say probably not. I have some secretaries that usually handle that.

Q You do not have any knowledge of which particular person it might have been who opened the package?

A No, it would have been one of three.

Q Do you have any knowledge of how many packages there may

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have been?

A No, I don't.

Q Were there instructions or directions for distribution of this particular piece of literature?

A I reviewed my records and I haven't kept anything. As my memory relates, I received them and I was instructed to send them to our members. I am not sure whether National had sent them to other members or not directly, but I believe I did send them to the members of our trade associations, approximately five or ten to each company.

Q You do not recall getting any instructions on how to distribute the literature?

A As I remember -- and I looked for some records and I couldn't find them -- as I remember, it was to be sent to our members.

Q This particular issue of -- this is a newsletter, I believe, Scoop?

A Scoop.

Q This is a September 8, 1976 issue which may have come along with that literature and --

A This is separate.

Q If you would take the time to read this paragraph and tell me if you are receiving that.

Carol, do you want a copy?

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MS. CHANDLER: Thank you.

THE WITNESS: Okay. Yes.

Q This paragraph, "Enclosed with this issue of Scoop are 25 payroll stuffers . . ." Do you recall reading this?

A I don't recall reading it, but I'm sure I did. We get this monthly and we get a lot of mail.

Q And this comes from National?

A Yes. I'm sure I saw this. Yes, it does.

Q Okay. Is this received on a regular basis?

A Yes, it is. I think it's monthly.

Q Is it distributed --

A I think it --

Q -- by you?

A No. It just goes to the members and we get a copy as a member would get a copy.

Q Now, you say you initially received approximately 500 copies of the notice. Did you request more copies?

A Yes, we did.

Q From whom did you request those copies?

A We requested additional copies from the source, National Office of Associated Builders and Contractors.

Q Is there any person that you contacted at the National headquarters?

A There were different people working there then. I really

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can't say definitely that I contacted anybody. The way I operate, I probably called up and just ordered them over the phone.

Q Is there an individual there with whom you would normally have communication?

A It would be Mr. Randell or one of his assistants.

Q Do you know his first name?

A Clarence Randell.

Q Was there anything else in the package of notices that you recall?

A No.

Q Now, you mentioned that you requested additional copies. How many did you request?

A We requested an additional 5,000 copies.

Q And when did you receive those?

A We received them very, very close together. I would say probably the second or third week in October.

Q So that means you would have received in all approximately 5,500 copies of the notice?

A Yes.

Q What did you do with them?

A We disseminated some of them and the bulk of them we threw out because we received them so late.

Q Approximately how many did you distribute, do you recall?

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A I would say that we probably -- there was a few sent to each firm and we had -- let's see -- I would say just by sending something like two or three or five, I forget the amount we sent out to each firm, we probably got rid of maybe two thousand of them.

Q How many member firms are associated with your chapter?

A At that time it was approximately 520 firms.

Q And you say you sent approximately five?

A Really, I can't remember. It was two, three -- five sounds like a good number because we had so many of them.

Q Did you send copies to all of the affiliated members?

A All the members.

Q All the members?

A Yes.

Q You did. Did you send anything with the notice, instructions for distribution?

A I believe I sent a memo indicating that this is something they might be interested in and enclosed for your availability.

Q Did you mention to whom they should be distributed, the copies that you were forwarding?

A I would have to be honest and say probably I did say it should be distributed among their employees.

Q How did you determine how many copies to send out?

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A Just the fact of how many I had and most of our members are small and they have no more than -- I would say 80 percent of our members have not more than five or ten employees each. Others have more.

Q Did you mention that they might reproduce copies for employees?

A No.

Q Or request additional copies?

A Yes, request additional copies, but not reproduce.

Q Did any members request additional copies?

A There were some requests, yes. The secretaries would get a request and send them out.

Q Do you have any records of those requests?

A No. I made an honest effort to look for records and we have absolutely nothing. I was looking for the memo. I didn't keep a copy of this. I'm glad you supplied it to us.

Q Do you have records of the members to whom you sent copies?

A No. We wouldn't have kept that anyway.

Q Did you get any feedback from the members as to what they did with the copies of the notice?

A No, I don't think I have had a discussion with any of the members. Maybe our Legislative Committee or something

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giving them a report that we had received them.

Q Did any of the member firms to whom you sent copies of the notice indicate to you that they had already received copies?

A I don't believe so. The problem with this particular thing was that we got it so late. I did it and I didn't follow up on it at all because it was so late. As I say, we threw half of them away.

Q So you have no knowledge that any of the members had received the notice from any other source?

A I knew they did from this Scoop and I knew National had sent out some, yes.

Q Do you have any direct knowledge of that, any particular members that may have received it?

A Well, not from the members per se, but I'm on the membership -- I'm on the list that received it in the mail and also Scoop here, and I'm sure it was in some other publications or some talk with the executive directors or something.

Q What I am getting at is I am trying to find out whether any of your members may have already received copies of the notice before you sent the three or five or so issues to them.

A I would assume so.

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PENGAD CO., BAYONNE, N.J. 07002 . FORM 740

Q You don't have any direct knowledge?

A No. It says there they did and this is September and I sent them that in October.

Q In that paragraph, "Enclosed with this issue of Scoop are 25 payroll stuffers," there is another sentence which says, "Another payroll piece covering other important issues will be released in October."

Do you know what they might be referring to in that sentence?

A I assume that another one came out.

Q Do you recall receiving any other campaign-related literature other than the notice before the election?

MS. CHANDLER: I think I should object to that.

THE WITNESS: That is what I was thinking of.

MS. CHANDLER: I don't think --

THE WITNESS: I think here what we are both agreeing to is that we are just talking about notice of federal election relating to the receipt, mailing or distribution of this brochure here. I am not prepared to talk about anything else.

MS. BROWNING: Off the record for a moment, then.

(Discussion off the record.)

MS. BROWNING: Back on the record.

For the record, I would like to note that the

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PENGAD CO., BAYONNE, N.J. 07002 - FORM 740

deponent and counsel object to the answering of this particular question.

Q But I would like to ask again if you recall receiving any other campaign-related literature from the ABC National?

A Well, I am not prepared to answer that at this time, because I was only prepared at your request to come here to talk about the mailing, distribution and receipt of the enclosure, so I am not prepared to talk about that. I would have to check my records; and if you would like to, I could come back and discuss that with you.

Q With regard to the Scoop newsletter, that is a periodic publication, is that right?

A Yes.

Q Does that come to you for distribution to your members or sent directly to them?

A Sent directly and me, being on the mailing list of the members, I would get a copy, as well as a couple of extra copies, if I need them.

Q Mr. Lavin, could I ask you a few questions about the structure of ABC, Incorporated? That is, to try to figure out what your role is and whether the members that are associated with you are local members or how the organization is set up. Would you object to a few questions on that line?

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MS. CHANDLER: Well, it certainly doesn't appear to be covered.

THE WITNESS: Why don't you ask the questions.

Q Okay. Fine. Is Yankee Chapter of the Associated Builders and Contractors the state organization?

A You are talking about now or at the time in October of last year? There are two different things here.

Q October of last year.

A No. We represented the six New England states.

Q And your members then are independent --

A Businessmen.

Q -- businessmen?

A Contractors. Contract-related fields.

Q And in October of 1976 how many members did you have, do you recall?

A Well, we had 520 firms as members.

Q Then, do they pay dues to you?

A Yes.

Q To the state chapter?

A No, to our chapter. It was not a state chapter at that time.

MS. CHANDLER: Yankee.

THE WITNESS: New England Yankee Chapter.

Q Then, does the regional chapter or Yankee Chapter, in

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turn, pay dues to the National?

A Yes, we do.

Q Do part of the dues paid by the members go to the National?

A Yes.

Q What is a member-at-large?

A That's something you would have to ask National. I don't get involved in that.

MS. BROWNING: I think that is all the questions I have.

Do you have any questions that you would like to put on the record?

MS. CHANDLER: No.

MS. BROWNING: Okay.

(Deposition closed.)

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HEMLOCK ERASABLE COTTON CONTENT

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS :

: ss.

COUNTY OF SUFFOLK :

I, Lucy A. Bramanti, Notary Public and Certified Shorthand Reporter within and for the Commonwealth of Massachusetts, do hereby certify:

That CHARLES B. LAVIN, JR., the witness whose deposition is hereinbefore set forth, was duly sworn and that the foregoing transcript is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 26th day of October, 1977.

Lucy A. Bramanti
Notary Public

My Commission expires:
March 31, 1983

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Milton & Greenwood Reporting Associates, Inc.

(formerly Reynolds Reporting Associates, Inc.)

R. E. Milton
President
P. L. Greenwood
Vice President
Secretary-Treasurer

General Stenotype Reporting
Suite 1110
1028 Connecticut Ave., N.W.
Washington, D.C. 20036

Phone:
202-833-3598
202-833-3599

Notary Public
D.C.-Va.-Md.

October 13, 1977

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

RE: In the Matter of: JAMES A. FEDERLINE, INC., et al. MUR 274 (76)

Dear Ms. Browning:

Transmitted herewith an original and one copy of the deposition of JAMES A. FEDERLINE, in the above entitled action.

Reading and signing was waived and the original transcript is submitted for filing.

Sincerely yours,

MILTON & GREENWOOD
REPORTING ASSOCIATES, INC.

Peggy L. Greenwood

Peggy L. Greenwood
Vice President

cc:
file

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:	
JAMES A. FEDERLINE, INC., et al.	MUR 274 (76)

Washington, D. C.

Tuesday, October 11, 1977

Deposition of

JAMES A. FEDERLINE

a party in the above-entitled matter, called for examination by counsel for the Federal Election Commission, taken at the offices of the Federal Election Commission, 1325 K Street, N.W., Washington, D. C., beginning at 1:25 p.m., before Judith Browning, when were present on behalf of the respective parties:

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Milton & Greenwood Reporting Associates, Inc.
(formerly Reynolds Reporting Associates, Inc.)
OFFICIAL REPORTERS
1028 Connecticut Ave., N.W., Suite 1110
Washington, D.C. 20036
Phones: (202) 833-3598
833-3599

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For the Federal Election Commission:

JUDITH BROWNING, ESQ.
and
DAVID SPIEGEL, ESQ.
1325 K Street, N. W.
Washington, D. C. 20463

For James A. Federline:

MARK S. MENDELSOHN, ESQ.
SHULMAN, ROGERS & GANDALPA
Suite 430
8630 Fenton Street
Silver Spring, Maryland 20910

C O N T E N T S

	EXAMINATION BY COUNSEL FOR:	
	FEDERAL ELECTION COMMISSION	
WITNESS:	(Ms. Browning)	(Mr. Spiegel)
JAMES A. FEDERLINE	3	10

HEMLOCK ERASABLE COTTON CONTENT

Thereupon

JAMES A. FEDERLINE

a party, was called for examination by counsel for the Federal Election Commission and, after having been sworn by Judith Browning, Esq., was examined and testified as follows:

EXAMINATION BY COUNSEL FOR THE FEDERAL ELECTION COMMISSION

BY MS. BROWNING:

Q Would you state your name for the record?

A James A. Federline.

Q And your address?

A 26 West Diamond Avenue, Gaithersburg, Maryland.

Q Are you aware of your right to have an attorney present?

A Yes, I am.

Q Would your attorney please identify himself for the record?

MR. MENDELSOHN: I am Mark Mendelsohn,for the record, and I am present.

BY MS. BROWNING:

Q Mr. Federline, are you employed?

A I am president of James A. Federline, Inc.

Q Address?

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A 26 West Diamond Avenue, Gaithersburg.

Q How long have you been president?

A Since 1972.

Q Mr. Federline, most of the questions I will be asking deal with this particular "Notice of Federal Election." Could you tell us when you received the first copy of this notice?

A The first copy?

Q That is right.

A I believe it was in October of last year, 1976.

Q Take your time.

A To the best of my recollection it was the end of September of '76. I can't identify a specific date.

Q And this was the brochure called "Notice of Federal Election?"

A That is correct.

Q How many did you receive?

A To the best of my recollection we originally received approximately fifty of these notices.

Q Was that the first time you had seen one of them?

A That is correct, the first time.

Q Do you have any record of the receipt of that

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material?

A No, we do not.

Q From whom did you receive the notice?

A We received the notice from Associated Builders and Contractors.

Q Was it the national office?

A I believe they probably came from the national office. They could have come from the local office.

Q How did it come? Was it in a package or how many packages?

A I am not sure. I received them when they were opened, so I can't answer that.

Q Who opened the package or packages?

A I wouldn't know for sure. I would assume our receptionist, who normally opens the mail.

Q What is his or her name?

A I wouldn't know. She has changed since that. I don't know who it was at that time.

Q Any way you could find out?

A I could, certainly.

Q Okay. You say you received fifty. Did you request other copies of the notice?

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HEMLOCK
ERASABLE
COTTON CONTENT

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REPORTING

A Yes, we did.

Q How many did you request?

A Enough for all of our employees. I think we have approximately 140, so I assume we requested an additional hundred.

Q Did you personally make the request?

A Yes, I did.

Q To whom did you direct it?

A Through my secretary. To the local ABC office.

Q What is the address of the local ABC office?

A Their office is in Silver Spring.

Q What is the name of that office, do you know?

A It is the Washington Metropolitan Chapter of Associated Builders and Contractors.

Q Now, in the initial package of fifty, do you recall what else was in the package?

A Not specifically. What I do recall -- there was a cover letter with it.

Q Did the cover letter give any instructions as to distribution?

A I don't remember the instructions. I quickly read the cover letter and scanned, since there were a number of

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these, it looked like they were to be distributed to the employees, that was the purpose, so I made the decision to distribute them to the employees.

Q Do you recall, were there any instructions regarding distribution?

A I don't remember any specific instruction. All I remember is I scanned the cover letter.

Q Do you have any record of your request for additional copies?

A No.

Q You do not. Let me show you this first page of the September 8, 1976 issue of "Scoop" and ask you if you recall receiving that?

A I do not recall specifically receiving this.

Q Would you read that paragraph which has a check mark on it on the left-hand side and see if you remember reading that.

(Witness complied.)

THE WITNESS: I don't recall specifically, no.

MR. MENDELSOHN: Off the record for a second.

(Discussion off the record.)

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HEMLOCK ERASABLE COTTON

BY MS. BROWNING:

Q Okay. Let me read for the record which paragraph I am asking -- "Enclosed with this issue of 'Scoop' are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign." That is the first sentence of the paragraph. This particular paragraph goes on to announce that another payroll piece covering other important issues will be released in October.

Do you have any knowledge of what that might have been referring to?

A No, not specifically. This was campaign literature I remember seeing, but I don't recall specifically what it was.

Q Did the campaign literature you received get put in the payroll envelopes of your employees?

A There was only one, I know, was put in the envelopes.

Q You don't recall any other item?

A Not specifically.

Q At the end of this paragraph it says, "If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters." Did you

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have an opportunity to request copies from national headquarters?

A As I stated earlier, we did request additional copies. Where they were requested from I can't be certain.

Q Could it have been national headquarters?

A It may have been, yes.

Q Do you know what it means, "member-at-large"?

A I believe they would be members who are not associated with any particular chapter, local chapter.

Q I see. Is there a person at ABC National that you would contact for more brochures?

A I am not familiar with who it would be.

Q Do you know of any other companies who received the brochure entitled "Notice of Federal Election?"

A I can't identify any specifically. I don't have any first-hand knowledge of other people that received those.

Q Are you aware of any other company's employees who may have received the notice?

A No.

Q Are you aware of any members of the public at large who may have received the notice?

A No.

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Q Let me ask you a few questions regarding the structure of ABC National. You are a member -- your company is a member of ABC National, is that correct?

A That is correct. We are a member of ABC, the local chapter of ABC. I don't know what our affiliation is with National.

Q Is it in Silver Spring?

A That is right.

Q Do you pay dues to the local.

A Yes, that is correct.

Q Do you pay dues to National?

A Not directly, no.

Q Is it possible that part of your dues to the local are paid in turn to National?

A Yes.

Q You have no knowledge of that?

A They are.

Q They are. I have no other questions.

BY MR. SPIEGEL:

Q I have a few questions. Mr. Federline, you stated that the original batch of material that came to you with this notice came from ABC, Inc. Is that correct?

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A Yes. I would assume it did.

Q Do you know why this was sent to you?

A Specifically, no.

Q Did you, as a matter of course, receive other material from ABC, Inc.?

A Relating to the election?

Q Yes.

A Of course, the election was mentioned in publications at that time, and before that time, and so ABC was involved, or it suggested to me the association and industry was interested in the election, obviously, so it was mentioned.

Q Did you have any recollection of receiving other similar types of material from ABC, Inc.?

A Not specifically. There was -- not specifically. As you said, the "Scoop" mentioned the election. I don't specifically remember other materials.

Q You mentioned "Scoop." That is the item that Ms. Browning showed to you. It is a kind of newsletter published monthly by the Associated Builders and Contractors. Do you recall seeing copies of "Scoop?"

A Maybe. I can't say I read it. We belong to, as any industry, we have a lot of associations we belong to

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that are involved, interested in the election. I get a lot of communications from all of them. I sometimes read and sometimes don't read the "Scoop."

Q You stated that you asked for a hundred additional copies of the notice. Were these sent to you in one batch?

A Again, I cannot answer that. Yes, I would assume they were. If we wanted to send it out to all employees, I would assume we would make additional -- if we were going to send them all at one time -- so I assume they were all sent at one time.

Q When you made the decision to send them to your employees, how did you arrive at that decision?

A I read this "Notice of Federal Election." As I say, I read it, I scanned it. I assumed that it was meant for distribution to our employees. I didn't see anything that particularly offended me or concerned me one way or another about sending it, and I went ahead and sent it.

Q Based on your past dealings with ABC, was that a conclusion that could be reasonably drawn?

A What conclusion?

Q That this was something you could have reasonably expected that were intended to be distributed to employees?

7904093333

A I assume it would mean that it would not run afoul of any capital laws, and so forth.

Q Do you recall ever having received this information from ABC or having any conversation with anybody at ABC in which you were instructed to distribute this notice on to members of ABC?

A No.

Q No.

A The members or companies?

Q Yes.

A The answer is no. The answer is no.

Q Thank you.

(By stipulation of counsel, in the presence of the witness, reading and signature waived.)

7904090334

CERTIFICATE OF SHORTHAND REPORTER

I, Bobbie C. Lake, shorthand reporter, do hereby certify that the testimony of the witness appearing in the foregoing deposition at pages 3 through 13, inclusive, was taken by me in shorthand and thereafter reduced to typewriting by me; that the said deposition at said pages is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Bobbie C. Lake
Shorthand Reporter

90409333

BCL

Cambridge Ave

Arlington Mass 02173

7904009333336

FIRST CLASS

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

SCL 1132

NEW JERSEY CHAPTER

associated builders and contractors, inc.

2020 FAIRFAX AVENUE • CHERRY HILL, N.J. 08003 • TELEPHONE – 609–424-2450

772373

August 8, 1977

7 0 4 0 0 9 3 3 7

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

Dear Mr. Oldaker,

I hereby accept as fact, to the best of my recollection, the statements made in MUR 274.

Sincerely,

Richard P. Miller

Richard P. Miller
Executive Director

RPM/im

Joan S. Armano
Notary Public

NEW JERSEY CHAPTER
ASSOCIATED BUILDERS & CONTRACTORS, INC.
2020 FAIRFAX AVE. CHERRY HILL, N. J. 08003

MERIT SHOP BUILDS BEST

U.S. POSTAGE 0.13

AUG 11 AM 8:06

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

LCC#1089

POWELL Construction Company

'77 AUG 8 AM 10:33

GENERAL CONTRACTORS
PHONE 918/428-3871
3000 MOHAWK BOULEVARD
P. O. BOX 4587
TULSA, OKLAHOMA 74104

July 29, 1977

772338

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

Re: MUR 274(76)

Gentlemen:

We have no record of receiving a brochure entitled "Notice of Federal Election", nor requesting one, and no record of distributing same.

Sincerely,

Helen Powell

Helen Powell

/hp

cc: Associated Builders and Contractors, Inc.

ASSOCIATED BUILDERS & ABC CONTRACTORS INC
FREE ENTERPRISE AT WORK

POWELL *Construction Company*

GENERAL CONTRACTORS
P. O. BOX 4587
TULSA, OKLAHOMA 74104

FREE ENTERPRISE AT WORK

FEDERAL ELECTION COMMISSION
77 AUG 10 10:16

US POSTAGE
TULSA OKLA
JUL 29 '77
13

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

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 4, 1977

Richard P. Miller
New Jersey Committee (ABC)
Associated Builders &
Contractors, Inc.
2020 Fairfax Ave.
Cherry Hill, New Jersey 08003

MUR 274

Dear Mr. Miller:

This is in regard to your phone conversation with Kathryn Kavanaugh of this office on June 30, 1977, in which you stated that:

(a) Your organization had received copies of the brochure to which we referred in our letter of June 23, 1977;

(b) You received the brochures from Associated Builders and Contractors national organization, P.O. Box 8733, Baltimore-National Airport;

(c) The first mailing, approximately 50 copies of the brochure, was received about 3 weeks prior to November 2, 1976, the date of the general election;

(d) A second mailing, approximately 200 copies, was received two days after the general election;

(e) You did not reproduce the brochure;

(f) Your members had already received copies of the brochure. You gave the first mailing to the Camden County Republican headquarters; the box full of brochures from the second mailing, you threw away;

(g) You are not sure whether the mailings of the brochure included any other material.

7 0 0 4 0 0 9 3 4 1

In order that we may be in complete agreement that this is an accurate representation of the June 30, 1977 telephone conversation, please send us a statement, notarized if possible, that you accept the information as set forth here.

Sincerely,

William C. Oldaker
General Counsel

7904009334?

MUR 274 Spiegel

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Richard P Miller
NJ Comm (CBS)
Cherry Hill NJ

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943759 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 8/8/77
POSTMARK CHERRY HILL, N.J. MAIN OFFICE AUG 8 1977 USPO

5. ADDRESS (Complete only if requested)
Jose Tapia for Chm.
Cherry Hill NJ 08003

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEC 964

ASSOCIATED BUILDERS AND CONTRACTORS OF ALABAMA, Inc.

Room 131 – 1900 28th Avenue, South – Birmingham, Alabama 35209 – (205) 870-8768

FEDERAL ELECTION COMMISSION
JUL 21 PM 3:17

July 18, 1977

772189

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

SUBJECT: Your letter dated June 23, 1977
with reference to MUR 274 (76)

Dear Mr. Oldaker:

This letter is written in responce to questions asked in your subject letter. My answers are in order as asked in your letter as follows:

1. Yes, we did receive the brochure entitled "Notice of Federal Election."

2. The "Notice" was received from the national office of the Associated Builders and Contractors, Inc. The brochure was received some time during the 1976 presidential campaign.

3. I would estimate that we received 100 copies of the notice.

4. We did not reproduce the "Notice". I did not request additional copies of the material.

5. We did not distribute the "Notice." They were available at our meetings.

If I can be of further assistance, please let me know.

Sincerely,

Jeff D. Masters
Executive Director

JDM/rav

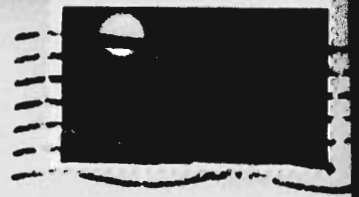
cc: Mr. J.C. Cross
Mr. Clarence B. Randall

"Merit Construction Builds Best"

Representing Over 7,000 Member Firms Nationally

7904093343

Associated Builders and Contractors of Alabama, Inc.
Room 138 — 1900 28th Avenue, South
Birmingham, Alabama 35209



RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 21 PM 3:06

7904009

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

ASSOCIATED BUILDERS & CONTRACTORS, Inc.
Northern New England Chapter
Finch Professional Plaza • 3 Stoneybrook Lane • Exeter, N.H. 03833 • (603)778-0588

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 JUL 14 AM 10 27

772143

July 14, 1977

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

Dear Mr. Oldaker:

Reference your letter of 6/23/77 re: MUR 274 (76).

The New Hampshire Merit Shop Political Action Committee did not receive the brochure which you make reference to in your letter.

Therefore, answers to the remaining questions in your letter are not applicable.

Sincerely,

Richard J. Ellis

Richard I. Ellis
Treasurer

New Hampshire Merit Shop P.A.C.

RIE/sf

7 9 0 4 0 0 9 3 3 4 5

ASSOCIATED BUILDERS & CONTRACTORS, Inc.
Northern New England Chapter
Finch Professional Plaza,
3 Stoneybrook Lane
Exeter, N.H. 03833

RECEIVED
FEDERAL ELECTION
COMMISSION
'87 JUL 13 AM 10:42

William C. Oldaker, General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

BCC # 899

associated builders and contractors, inc.
CENTRAL MICHIGAN CHAPTER

6141 S. Aurelius Road • Lansing, Michigan 48910 • (517) 393-0100

MUR 214

July 11, 1977

William C Oldaker
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463
Attention: Kathryn Kavanagh

Dear Ms. Kavanagh:

The following information is in response to your letter dated June 23, 1977.

The Associated Builders and Contractors Inc. of Central Michigan-Political Action Committee was dissolved January 10, 1977. And, therefore did not receive a brochure entitled "Notice of Federal Election."

I trust this satisfies your inquire. If I can be of further assistance do not hesitate to call.

Sincerely,

William L. Dewey
Executive Director

WLD: rle

cc: Rex Schlaybaugh, Jr.

7904009347

associated builders and contractors, inc.
CENTRAL MICHIGAN CHAPTER
6141 S. Aurelius Road · Lansing, Michigan 48910

CERTIFIED
No. 213316
MAIL

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

RETURN RECEIPT REQUESTED

GCC 876

RECEIVED
FEDERAL ELECTION
COMMISSION
77 JUL 10 AM 10:24

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors of
Oklahoma Political Action Committee
P.O. Box 18329
121 N.E. 52nd Street
Oklahoma City, Oklahoma 73118

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"? No

(2) From whom did you receive the "Notice"? When did you receive the brochure? Not applicable

(3) How many copies of the "Notice" did you receive? Not applicable

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many? Not applicable

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged? Not applicable

T. J. Murphy, Chairman
Associated Builders & Contractors of
Oklahoma Political Action Committee

6/30/77
Certified Mail

the associated builders & contractors
of oklahoma, inc.

p.o. box 18329 • 121 n.e. 52nd
oklahoma city, oklahoma 73118

ASSOCIATED BUILDERS & CONTRACTORS INC
A B C

FEDERAL ELECTION COMMISSION

'87 JUN 10 AM 8:00

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

Certified Mail

CERTIFIED
No. 606001
MAIL

RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lenape Merit Shop Political
Action Committee
404 7th Street
Riverton, New Jersey 08077

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

HCC875

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

772073

William C. Oldaker
General Counsel

July 8, 1977

Re: MUR 274(76)

TO : WILLIAM C. OLDAKER, General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463

FROM : Harry J. Steigelman, Jr., Treasurer, Lenape Merit Shop Political Action Committee, 404 7th Street, Riverton, N.J. 08077

Please excuse the tardiness of this reply. Your correspondence reached the above address, but the material was not opened until this date. I have been out of town, and just returned.

Listed below are the answers to question; one thru five:

(1) - No

(2) - No one

(3) - None

(4) - No

(5) - No

HARRY J. STEIGELMAN, JR.
Treasurer

'77 JUL 11 AM 11:30

FEDERAL ELECTION COMMISSION

.J.Steigelman, Jr.
reasurer, Lenape Merit Shop
olitical Action Committee
04 7th Street
iverton, N.J. 08077

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 11 AM 10:40

PM
9 JUL
1977

WILLIAM C. OLDAKER, General Counsel
Federal Elections Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

ACC 873

Massachusetts Merit Shop
Political Action Committee
25 Woody Island
Hopkinton, Massachusetts 01748

RECEIVED
FEDERAL ELECTION
COMMISSION
77 JUL 11 AM 11:13

June 30, 1977

772079

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

Dear Sir,

In response to your letter dated June 23, 1977, Re: MUR 274 (76), I have not received any brochure entitled "Notice of Federal Election".

Sincerely yours,

Charles B. Lavin, Jr.
Treasurer

7004009354

Mass Merit Shop PAC
25 Woody Island
Hopkinton, Mass 01748

RECEIVED
FEDERAL ELECTION
COMMISSION

FRAMINGHAM, MASS
PM
8 JUL
1977

'77 JUL 11 AM 10:37

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

P00000033

MCC 867

Florida Gulf Coast Chapter / Associated Builders and Contractors, Inc.

1716 West Cypress, Tampa, Florida 33606

TELEPHONE: AREA CODE 813 251-0663

FEDERAL ELECTION COMMISSION

'77 JUL 11 AM 11:32

July 7, 1977

OFFICERS & DIRECTORS

R. Bruce Simpson, President
The Crom Corporation

Sam P. Broady, 1st VP
Sam P. Broady, Inc.

Dale A. Pierce, 2nd VP
Beall-Pierce, Inc.

Gordon Finch, Treasurer
Alderman Interior Systems

Don Springer, Secretary
Florida Sheet Metal

L. C. Colado
Rusty Plumbing, Inc.

Townsend Belt
Townsend W. Belt Construction

Ron Howell
Hatcher & Howell Builders, Inc.

Bob Hilton
Hilton Electric Company

Ray S. Poole
Poole Roofing & Sheet Metal

Tommy W. Brown
Brown Automatic Sprinklers, Inc.
Immediate Past President

PAST PRESIDENTS

J. O. DeLotto
Curtis G. Culver
Joseph McClain
James Ware
Gilbert V. Ellis
Roy L. Parker
Charles E. Smith

EXECUTIVE DIRECTOR
John R. Crawford

APPRENTICESHIP COORDINATOR
Jack J. Galante

772071

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

RE: MRU 274 (76)

Please be advised that we did not receive any notices similar to the one enclosed in the FEC letter of inquiry. Therefore, the remainder of the questions are not applicable.

Charles E. Smith
Chairman

mw

JUN 27 1977

FEDERAL ELECTION COMMISSION

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

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Florida Chapters/Associated
Builders-Contractors, Inc.
Political Action Committee
1716 West Cypress
Tampa, Florida 33606

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904100933

7 9 0 4 0 0 9 3 3 5 9

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

Florida Gulf Coast Chapter / Associated Builders and Contractors, Inc.
1716 West Cypress, Tampa, Florida 33606

FEDERAL ELECTION COMMISSION

'77 JUL 11 AM 10:40

PM
7 JUL
1977

7 0 0 4 0 0 0 3 3 3

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

ACC 860

RECEIVED JUN 27 1977

RECEIVED
FEDERAL ELECTION
COMMISSION

certified mail

FEDERAL ELECTION COMMISSION

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

77 JUL 10 A10:59

June 23, 1977

772067

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Empire State ABC PAC for
Better Federal Government
P.O. Box 446
715 S. Manlius Street
Fayetteville, New York 13066

Re: MUR 274

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"? No.

(2) From whom did you receive the "Notice"? When did you receive the brochure? Does not apply.

(3) How many copies of the "Notice" did you receive? Does not apply

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many? Does not apply.

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged? Does not apply

Joseph Cunella
Treasurer

7 9 0 4 0 0 9 3 6 1

EMPIRE STATE ABC
PAC for Better Federal Government
P.O. Box 446
Fayetteville, N.Y. 13066

FEDERAL ELECTION COMMISSION
1977 JUL 12 AM 9:58

Mr. William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

MUR 863

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 10 AM 10:41

CEN Political Action Committee
412 Market Street
Lewisburg, Pennsylvania 17837

772063

7 9 0 4 0 0 9 3 3 6 3

June 30, 1977

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

Att: Mr. William C. Oldaker

Dear Mr. Oldaker,

In reference to your letter of June 23, 1977 regarding a brochure entitled "Notice of Federal Elections".

Please be advised that the CEN Political Action Committee did not receive a copy of the subject brochure.

Very truly yours,

James Folcarelli
Chairman

JF/et

CEN Political Action Committee
412 Market Street
Lewisburg, Pa. 17837

RECEIVED
FEDERAL ELECTION COMMISSION
1977 JUL 18 AM 8:58

RETURN RECEIPT REQUESTED

CERTIFIED
No. 356479
MAIL

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

MCG 859

Rec'd 6/27/77 certified mail

RECEIVED FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION

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

77 JUL 10 A10:59

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Empire State Chapter
Associated Builders & Contractors
7000 E. Genesee Street
Fayetteville, NY 13066

770083

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate yourproviding personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"? Yes

(2) From whom did you receive the ice"? When did you receive the brochure? National ABC, sometime in October 1976.

(3) How many copies of the "Notice" you receive? 300 copies.

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many? we did not reproduce or request additional copies.

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged? The notice was carried to chapter meetings and members picked up copies voluntarily. we threw most of them away.

Joseph Cerella
Executive Director.

Associated Builders and Contractors, Inc.
Empire State Chapter

Mr. William C. Oldaker
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

MCC833
NRN

ABC TENNESSEE PAC

"Building an Economic Future . . . Through Constructive Legislation."

P.O. BOX 40263 – 2829 DOGWOOD PLACE – NASHVILLE, TENNESSEE 37204

FEDERAL ELECTION COMMISSION
'77 JUL 7 AM 10:46

July 1, 1977

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

Dear Ms. Kavanagh:

This letter is in response to your inquiry of June 23, 1977.

(1) The Tennessee Associated Builders and Contractors Political Action Committee did not receive brochure entitled "Notice of Federal Election".

(2) N/A

(3) N/A

(4) N/A

(5) N/A

If you have any further questions, please do not hesitate to contact me.

Sincerely,

Hammond Hosse

Hammond Hosse
Chairman

HH/bc

7 9 0 4 0 0 9 3 3 6 7

P.O. Box 40263
2829 Dogwood Place
Nashville, Tennessee 37204

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 7 AM 10:25

C00400333

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

MCL 833
NRN

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 JUL 7 AM 10:45

MASS.–R.I.
ASSOCIATED BUILDERS & A B C CONTRACTORS INC
YANKEE CHAPTER

July 5, 1977

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

Dear Mr. Oldaker,

In answer to your letter of June 23, 1977, received in my office June 27, 1977, I submit the following.

(1) Yes

(2) The notice was received from Associated Builders and Contractors Inc., 1156 15th St., N.W. Washington, D.C. 20005 in approximately October 1976

(3) We received 500 copies of the "notice".

(4) We did not reproduce the "notice" and did request an additional 5,000 copies

(5) We distributed over 4000 of the "notices" to our 650 member firms, initially sending 10 to each member firm, and sending additional copies upon request. No record was kept as to who requested additional copies.

I hope the above answers your questions.

Sincerely,

Charles B. Lavin, Jr. CAE
Executive Director

CBL/t

ABC
YANKEE CHAPTER
235 BEAR HILL ROAD
WALTHAM, MASS. 02154

FEDERAL ELECTION COMMISSION
'77 JUL 7 AM 10:25

CONSTRUCTION BY
MERIT SHOP
WALTHAM JUL 7 77
U.S. POSTAGE
13

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

7904033370

MUR 829

CHARLES B. KISER • ARCHITECT
ATLANTA, GEORGIA 30309 P. O. BOX 7984 872-4211 UNIT

77 JUL 10 AM 10:37

July 5, 1977

772035

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

RE: MUR 274(76)

Sir:

We, as Associated Builders and Contractors of Georgia, Inc., are affilliated with the national Associated Builders and Contractors, Inc., but our Political Action Committees are independent.

I am happy to answer your questions to the best of my recollection and record research in order of your letter of June 23, 1977.

1. No, I did not receive the brochure entitled "Notice of Federal Election".
2. Not Applicable
3. Not Applicable
4. Not Applicable
5. Not Applicable

Thank you.

Sincerely,

C. Kiser

Charles Kiser

CK/bm

2004093711

CHARLES B. KIBER: ARCHITECT
ATLANTA, GEORGIA 30328 · P O BOX 76329 (404) 992-1122

FEDERAL ELECTION COMMISSION

'77 JUL 7 AM 10:22

ATLANTA, GA. PM
5 JUL 1977

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

MUR 816

ASSOCIATED BUILDERS AND CONTRACTORS OF TEXAS
POLITICAL ACTION COMMITTEE

P. O. Box 13450
1005 So. Shepherd, Suite 151
Houston, Texas 77019
713/528-1555

FEDERAL ELECTION COMMISSION
'77 JUL 5 AM 10:28

TRUSTEES
Stewart Cartwright
Chairman
William Ward Jones
Secretary
T. D. Smith
Treasurer
Richard W. Austin
Stanley Briers
John H. Garrett
James H. Jackson
Don Love
Robert B. Taylor
James L. Tribble
Robert A. Turner

DIRECTORS
Kenneth H. Babcock
Larry Berkman
Ben A. Brollier
Gib M. Chambles
Ralph M. Derrick
George B. Gambrell
John G. Garland
William E. Gilchrist
Don Greiner
Forest Hammock
Allen W. Harding
Ray Hobbs
Fred C. Howery
Franz E. June
Mary-Lee Kretzschmar
Howard Laravee
Herschel M. Martin
Thomas R. McCann
William H. Ratz
Edgar A. Starkey
B. A. Taylor
Fred D. Taylor
Dan E. Timmins
George Underwood
Martin Zapalac

June 30, 1977

772017

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

Dear Mr. Oldaker:

In reference to your letter of June 23, 1977 (copy of same attached), please be advised that the Associated Builders & Contractors of Texas Political Action Committee did not receive the brochure entitled "Notice of Federal Election".

If you should have any further questions, do not hesitate to call.

Sincerely,

ASSOCIATED BUILDERS & CONTRACTORS OF TEXAS
POLITICAL ACTION COMMITTEE

Stewart Cartwright

Stewart Cartwright
Chairman

SC/ss

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors of
Texas Political Action Committee
1005 So. Shepherd, Suite 151
(P.O.Box 13450)
Houston, Texas 77019

Re: MUR 274

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

9003937

ASSOCIATED BUILDERS AND CONTRACTORS OF TEXAS
POLITICAL ACTION COMMITTEE
1005 So. Shepherd, Suite 151
P. O. Box 13450 • Houston, Tx. 77019

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 5 AM 10:21

HOUSTON, TX
PM
30 JUN
1977

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

7 9 0 4 0 0 9 3 7 6

ygcc 807

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 JUL 5 AM 9:21

1329 Pennsylvania Avenue
Hagerstown, Maryland 21740
July 1, 1977

771999

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

Attention: Mr. Wm. C. Oldaker, General Counsel

Gentlemen:

In reference to my letter mailed to you on June 29, 1977, in response to your letter of June 23, 1977 regarding MUR 274, this is to inform you that our address was typed incorrectly on your letter.

Our correct address is 1329 Pennsylvania Avenue, not 1329 Potomac Avenue.

Please excuse this error and correct the address.

Thank you,

M. Wm. Dutton, Jr. (Gw)
M. Wm. Dutton, Jr., Chairman
Cumberland Valley P.A.C.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 9 0 4 0 0 9 3 3 7 7

Cumberland Valley P.A.C.
1329 Pennsylvania Avenue
Hagerstown, Maryland 21740

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 JUL 5 AM 9:03

Federal Election Committee

1325 K Street, N.W.

Washington, D.C. 20463

Attn: Mr. Wm. C. Oldaker, General Counsel

MCL 808

ABC FREE ENTERPRISE PAC

"Building an Economic Future. . .Through Constructive Legislation."

6141 South Aurelius Road • Lansing, Michigan 48910

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 JUN 30 5 44

June 30, 1977

771998

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

RE: MUR 274 (76)

Dear Mr. Oldaker,

We are in receipt of your letter of June 23, 1977 concerning information this Committee may have received entitled "Notice of Federal Election."

Please know that we did not receive any material of this kind.

Sincerely,

Edward Windemuller

Edward Windemuller
Chairman

EW:bv

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Chairman
Edward Windemuller
Grand Rapids
Secretary-Treasurer
Gordon Long
Lansing
Trustees
John C. Carlson
Grand Rapids
James D. Parish
Lansing
Richard Shumaker
Cadillac
Doug G. Woodcock
Detroit

A copy of our report will be filed with the Federal Elections Commission and State bodies requiring this information, and is available for purchase from the Federal Elections Commission, Washington, D.C., and Secretary of States Office, Lansing, Michigan. ABC FREE ENTERPRISE ... man.

7900093380

FEDERAL ELECTION COMMISSION

'77 JUL 5 AM 9:26

GRAND RAPIDS MICH JUN 30 '77

U.S. POSTAGE

$ 0.13

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

4CC802

771987

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 JUL 1 PM 3:41

Cumberland Valley Political
Action Committee
1329 Potomac Avenue
Hagerstown, Maryland 21740

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

Re: MUR 274

Attention: Wm. C. Oldaker, General Counsel

Gentlemen:

In reference to your letter dated June 23, 1977, re a brochure entitled "Notice of Federal Election", please be advised that to my knowledge or to our records no such literature was delivered or received by Cumberland Valley PAC. Respectively, the answer to your questions 2 thru 5 is "not applicable."

The Cumberland Valley PAC made no financial contributions to the 1976 Presidential election.

Please let me know if you need additional information.

Very truly yours,

M. Wm. Dutton, Jr.
Chairman

MWD:jw

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7904090338 1

Cumberland Valley Political
Action Committee
1329 Potomac Avenue
Hagerstown, Md. 21740

RECEIVED
FEDERAL ELECTION
COMMISSION

RETURN RECEIPT
REQUESTED

1 PM 3:38

CERTIFIED
No. 439547
MAIL

Federal Election Committee

1325 K Street, N.W.

Washington, D.C. 20463

GCC 790

Merit Shop ACTION COMMITTEE

EDWARD BAKER, TREASURER • 6482 SLIGO MILL RD. • TAKOMA PARK MD. 20012

'77 JUL 1 AM 10:32

June 30, 1977

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

Dear Mr. Oldaker:

The Merit Shop Action Committee is in receipt of your letter of June 23, 1977, concerning information this Committee may have received entitled "Notice of Federal Election". Please know that we did not receive any material of this kind.

I trust this satisfactorily answers your concerns, but please notify me if I can be of further assistance.

Sincerely,

EABaker

Edward A. Baker
Treasurer

EAB/cn

MUR 274

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Merit Shop ACTION COMMITTEE
EDWARD BAKER, TREASURER • 6482 SLIGO MILL RD. • TAKOMA PARK MD. 20012

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

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New Hampshire Merit Shop
Political Action Committee
440 Portsmouth Ave.
Greenland, New Hampshire 03840

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904090338

P 274

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

The following service is requested (check one).

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

ARTICLE ADDRESSED TO:

New Hampshire Merit Shop

ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943438	

(Always obtain signature of addressee or agent)

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

Susan Trefethen

DATE OF DELIVERY 6-27

POSTMARK

ADDRESS (Complete only if requested)

Hayes Inn Rt
Keene NH 0343

UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tennessee Associated Builders
and Contractors Political
Action Committee
2829 Dogwood Place
Nashville, Tenn. 37204

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

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(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 9 0 4 0 0 9 3 3 8 7

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904009333

GC 20424

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Tennessee Associated
Builders and Cont. Political

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943436 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-29-77
POSTMARK NASHVILLE TENN JUN 29 1977

5. ADDRESS (Complete only if requested)
Melrose PO 37204

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO : 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lenape Merit Shop Political
Action Committee
404 7th Street
Riverton, New Jersey 08077

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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(1) Did you receive the brochure entitled "Notice of Federal Election"?

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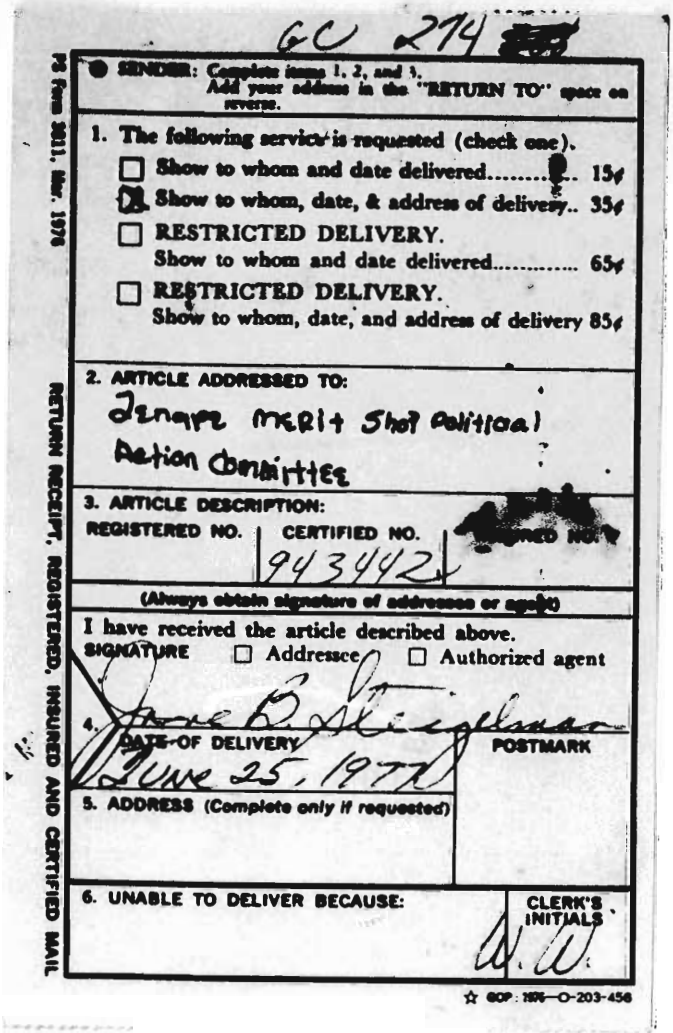
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7904093380

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel



GC 274

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

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

2. ARTICLE ADDRESSED TO:
Senate Merit Shot Political Action Committee

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 94342 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: JUNE 25, 1976 | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS: A.W.

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1976—O-203-456

7 9 2 1 0 0 9 3 3 9 0

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Massachusetts Merit Shop
Political Action Committee
25 Woody Island
Hopkinton, Massachusetts 01748

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

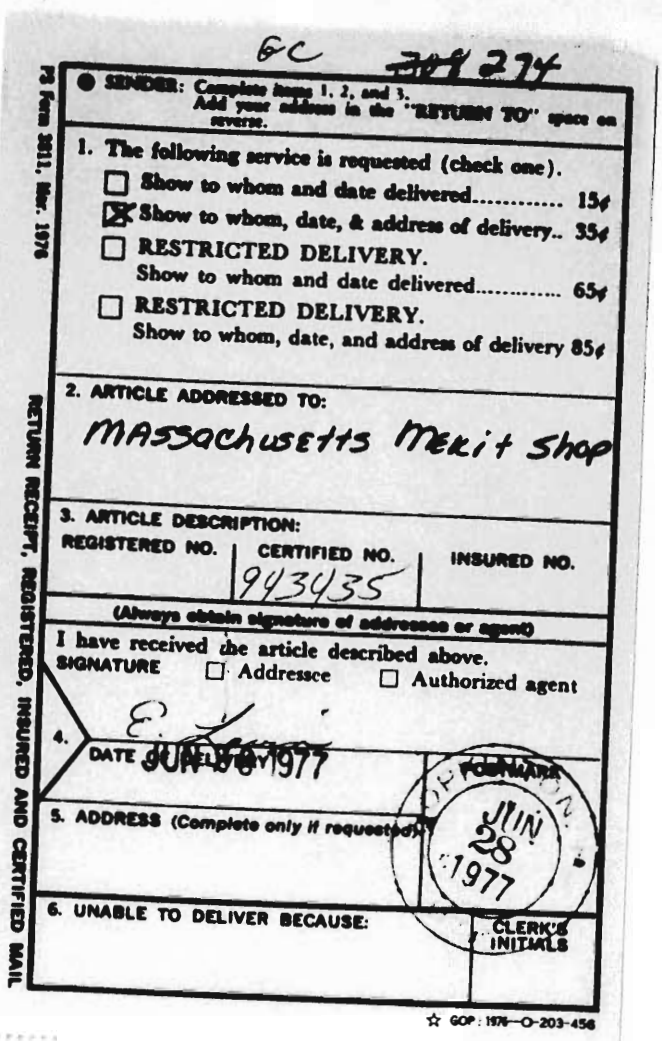
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904009393 2



GC 304274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Massachusetts Merit Shop

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943435 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE DELIVERED JUN 28 1977

POSTMARK JUN 28 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Merit Shop Political Fund
5925 Maple Avenue, Suite 212
Dallas, Texas 75235

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate yourproviding personal knowledge in regard to the following:

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7004009394

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Merit Shop Action Committee
6482 Sligo Mill Road
Takoma Park, Maryland 20810

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 0 0 4 0 0 9 3 3 6 5

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904009396

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors
Free Enterprise Political Action
Committee
4550 Cascade Rd. SE P.O. Box 2124
Grand Rapids, Michigan

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate yourproviding personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

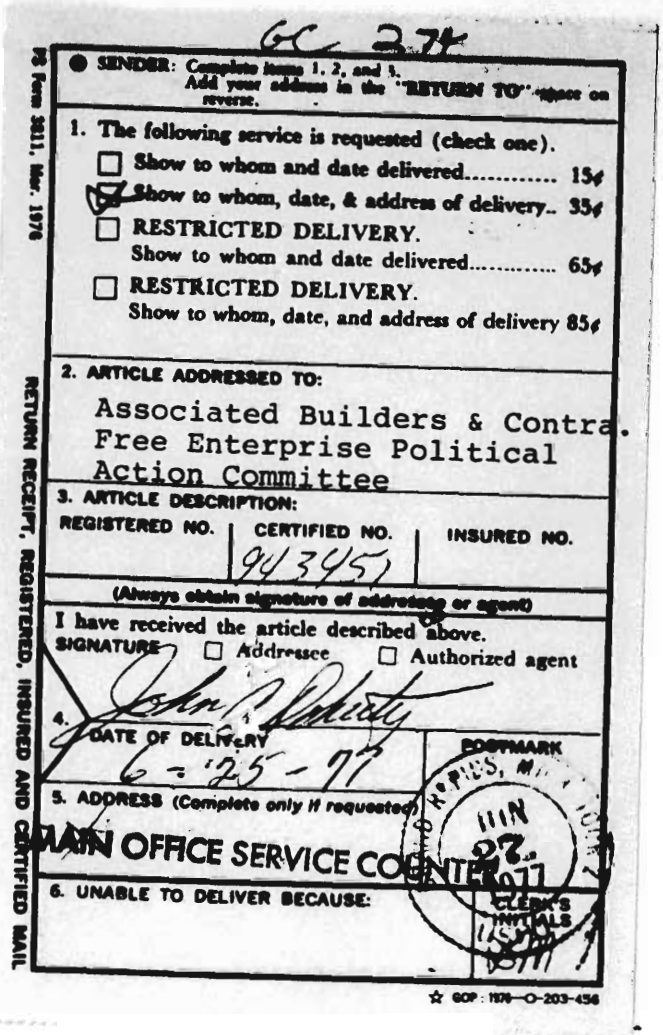
7 9 0 4 0 0 9 3 3 9 7

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7004100913398



GC 274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Associated Builders & Contra.
Free Enterprise Political
Action Committee

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 94345 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-25-77 POSTMARK

5. ADDRESS (Complete only if requested)
MAIN OFFICE SERVICE COUNTER

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Florida Chapters/Associated
Builders-Contractors, Inc.
Political Action Committee
1716 West Cypress
Tampa, Florida 33606

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7 9 0 4 0 0 9 3 4 0 0

GC 274

PS Form 3811, Mar. 1978

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

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

2. ARTICLE ADDRESSED TO:
Flordia Chapters/Associated Builders - Contractors Political Action Comm.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943452 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-27-77 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Good Government of Georgia, PAC
P.O. Box 76329
Atlanta, Georgia 30329

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7004 0029 3402

GC 274

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Good Government of GA

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	94343Z	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 10 27 77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

USPS ATLANTA, GA. 1977 POSTMARK

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New England Chapter
Associated Builders & Contractors
235 Bear Hill Road
Waltham, Massachusetts 02154

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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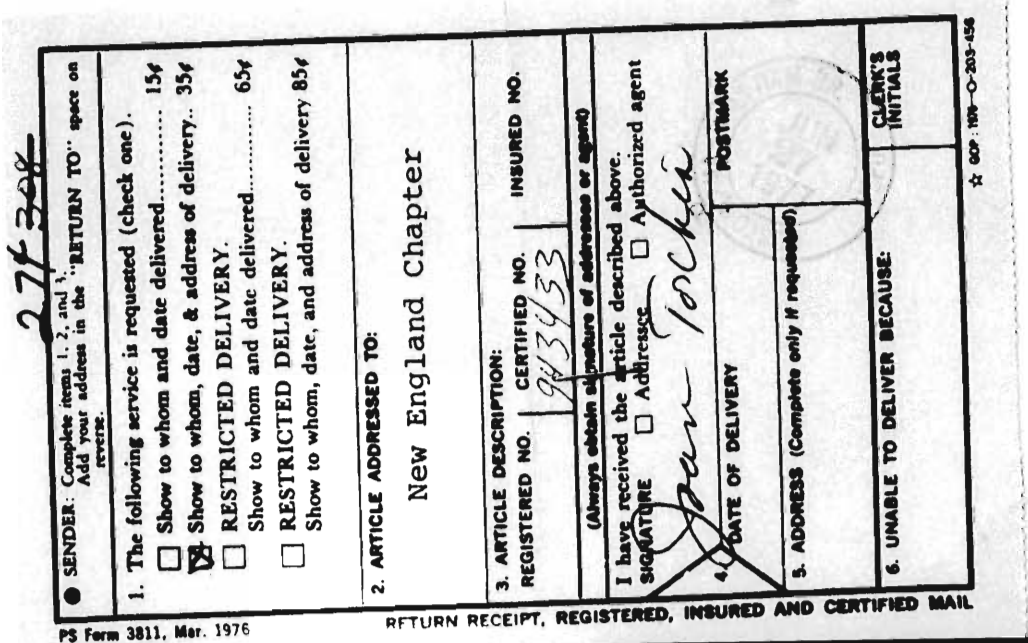

FEDERAL ELECTION COMMISSION

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

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors of
Oklahoma Political Action Committee
P.O. Box 18329
121 N.E. 52nd Street
Oklahoma City, Oklahoma 73118

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7 9 0 4 1 1 0 2 4 0 6

GC 308.1f

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED

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

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

2. ARTICLE ADDRESSED TO:
Associated Builders & Contractors Oklahoma Political Action Comm.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943454 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK JUN 23 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors
of Alabama, Inc.
Room 131 - 1900 28th Ave, South
Birmingham, Alabama 35209

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors, Inc.
of Central Michigan - Political
Action Committee
6141 S. Aurelius Rd.
Lansing, Michigan

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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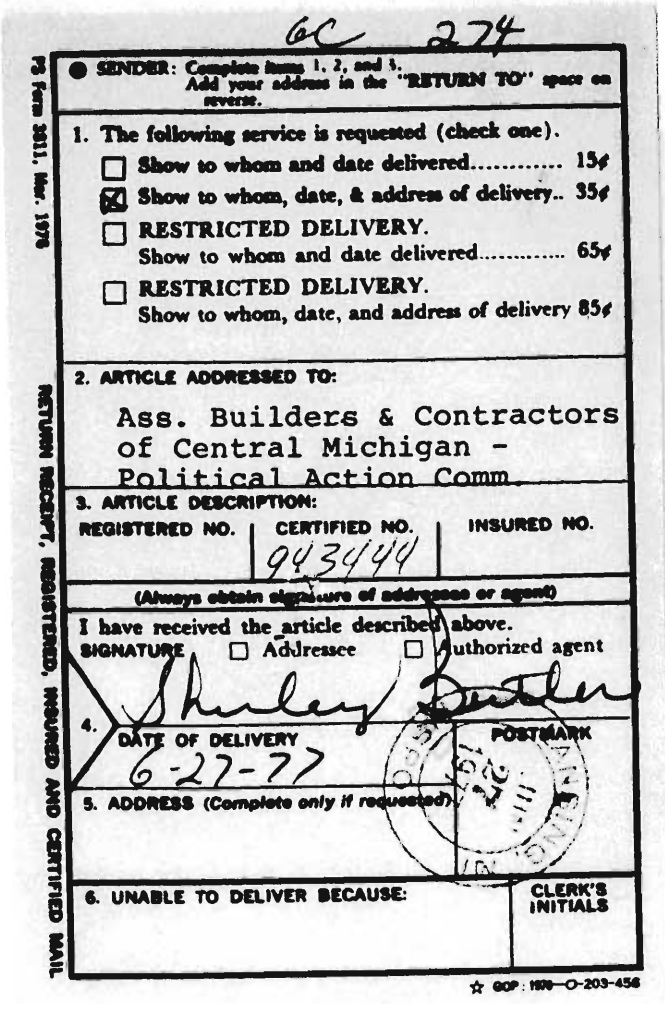

6C 274

PS Form 3811, Mar. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Ass. Builders & Contractors of Central Michigan - Political Action Comm.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943444	

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-27-77 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1978—O-203-456

FEDERAL ELECTION COMMISSION

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

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Associated Builders & Contractors of
Texas Political Action Committee
1005 So. Shepherd, Suite 151
(P.O.Box 13450)
Houston, Texas 77019

Re: MUR 274

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William LaFave - Chairman
Associated Builders & Contractors
Political Action Committee of
Wisconsin
P.O. Box 2011
Appleton, Wisconsin 54911

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7004009341 1

GC 274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

2. ARTICLE ADDRESSED TO:
William LaFave - Chairman
Political Action Committee
of Wisconsin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	993450	

(Always obtain signature of addressee or agent)

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

4. Sandra Menning

DATE OF DELIVERY: JUN 27 1977

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Empire State Chapter
Associated Builders & Contractors
7000 E. Genesee Street
Fayetteville, NY 13066

Re: MUR 274 (76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL MAIL COPY

7 0 0 4 0 0 9 3 4 1 5

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7004079 54116

GC 274

PS Form 3811, Mar. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
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- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Empire State Chapter

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943441 | INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
4. Molly Cuculla
DATE OF DELIVERY 6/27/77
POSTMARK

5. ADDRESS (Complete only if requested)
7000 E Genesee St Fayetteville NY 13066

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Florida Chapters/Associated
Builders - Contractors, Inc.
Political Action Committee
1716 West Cypress
Tampa, Florida 33606

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 9 0 4 0 0 9 3 4 1 7

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Sincerely yours,

William C. Oldaker
General Counsel

7 9 0 4 0 0 9 3 4 1 3

GC 274

PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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2. ARTICLE ADDRESSED TO:
Flordia Chapters Associated Builders Political Comm.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 944147 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-27-77 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO : 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cumberland Valley Political Action Committee
1329 Pennsylvania Avenue
Hagerstown, Maryland 21740

Re: MUR 274

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

Our records indicated that your group is connected with Associated Builders & Contractors, Inc. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitled "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

(3) How many copies of the "Notice" did you receive?

(4) Did you reproduce the "Notice"? Did you request additional copies of the material? If so, how many?

(5) Did you distribute the "Notice"? If so, to whom? How many copies were distributed? And, how was the distribution arranged?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

2 0 0 1 0 0 9 3 4 1 9

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7904100934420

6C 274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Cumberland Valley Political Action Committee

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943946 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
POSTMARK
HARRISBURG PA. JUN 24 1977 MONTHLY STATION CLERK'S INITIALS

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

New Jersey Committee (ABC)
Associated Builders &
Contractors, Inc.
2020 Fairfax Ave
Cherry Hill, New Jersey 08003

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

2004093421

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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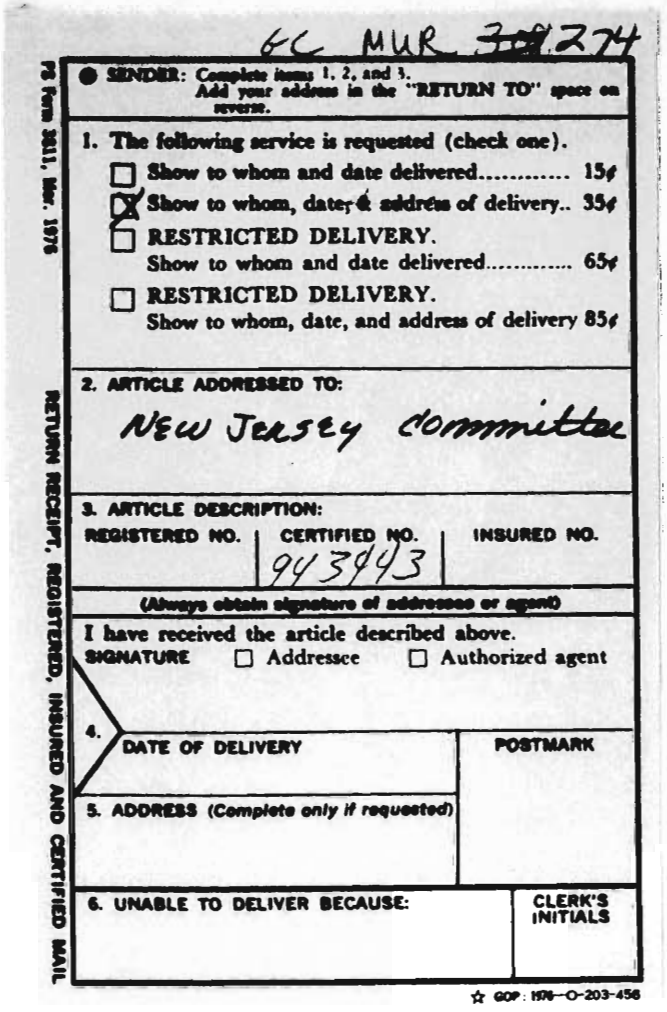

6C MUR 3~~08~~274

PS Form 3811, Mar. 1976 — RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO: New Jersey Committee

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 943943 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | CLERK'S INITIALS

☆ GPO: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CEN Political Action Committee
412 Market Street
Lewisburg, Pennsylvania 17837

Re: MUR 274

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election," thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

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FEDERAL ELECTION COMMISSION
OFFICIAL
OFFICE OF GENERAL COUNSEL

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The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

7001093421

GC 5274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

2. ARTICLE ADDRESSED TO:
CEN Political Action Committee

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 993439 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 6-12-87 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

JUN 24 USPO

☆ GOP: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 23, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Empire State ABC PAC for
Better Federal Government
P.O. Box 446
715 S. Manlius Street
Fayetteville, New York 13066

Re: MUR 274

Dear Sir:

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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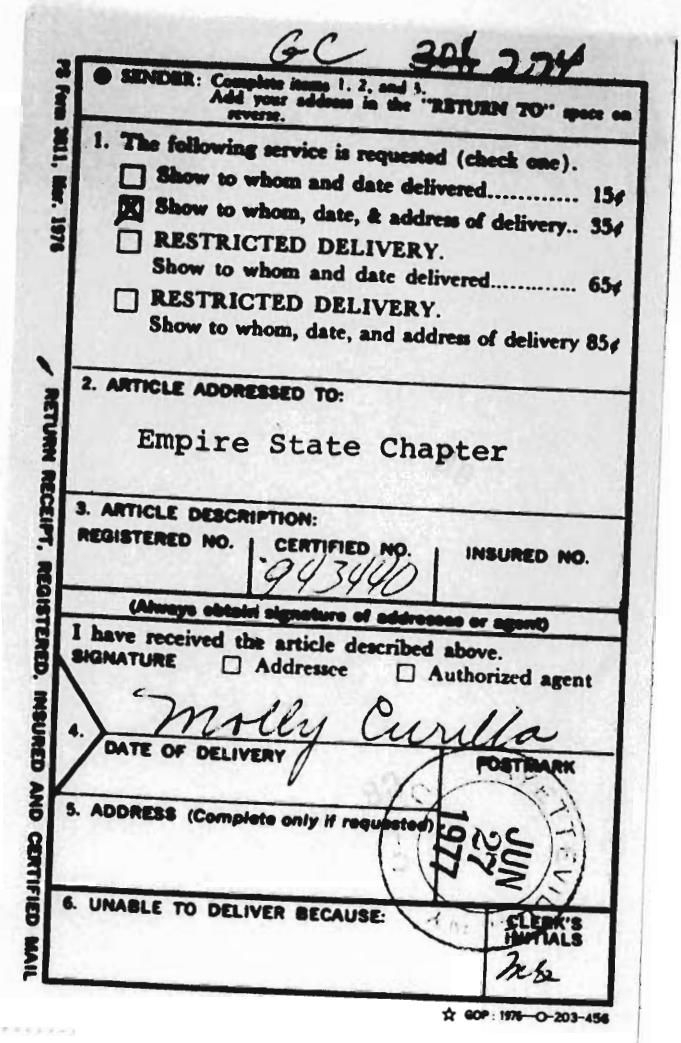

GC 304 304

PS Form 3811, Mar. 1976 ✓ RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

2. ARTICLE ADDRESSED TO:

Empire State Chapter

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. 943440 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Molly Curilla

4. DATE OF DELIVERY JUN 27 1977 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GOP: 1976—O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 24, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Powell Construction Company
P.O. Box 4587
Tulsa, Oklahoma 74104

Re: MUR 274(76)

Dear Sir:

The Federal Election Commission is in the process of investigating whether Associated Builders & Contractors, Incorporated made corporate expenditures in connection with the 1976 presidential election through the printing and dissemination of a brochure entitled "Notice of Federal Election", thereby violating Title 2, United States Code, §441b. A copy of the brochure and the Federal Election Campaign Act of 1971, as amended, are enclosed.

It has been brought to our attention that, in October of 1976, your company was distributing copies of this material to its customers. We would appreciate your providing personal knowledge in regard to the following:

(1) Did you receive the brochure entitle "Notice of Federal Election"?

(2) From whom did you receive the "Notice"? When did you receive the brochure?

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Commission is under an obligation to act expeditiously. Therefore, please submit your response within ten days from the receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/523-4073), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

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274

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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2. ARTICLE ADDRESSED TO:
Powell Construction Co

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

(Always obtain signature of addressee or agent)

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

4. Helen Tower-CR

DATE OF DELIVERY 6/27/77

POSTMARK 6 JUN 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976—O-203-456

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 785-9500

GEORGE D. WEBSTER
CHARLES E. CHAMBERLAIN
WILLIAM J. LEHRFELD
ARTHUR L. HEROLD
ALAN P. DYE
MICHAEL LENEHAN
JAMES L. WILSON
CHRISTOPHER L. HARTWELL

OF COUNSEL
CECIL KILPATRICK
MILTON A. SMITH

June 10, 1977

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

Dear Ms. Kavanagh:

I apologise for being so late in providing you with the attached Scoop newsletter. The fact is that these newsletters are not stored in the offices of Associated Builders and Contractors and it was necessary to retrieve them from storage. On top of that, the first copy of the newsletter that I sent was the wrong issue, and it required another week to obtain the correct version. In any case, this is the Scoop newsletter which was included in the mailing with the Notice of Federal Election which is the subject of your inquiry.

You also requested that ABC provide you with a list of its members. Along with many other associations, it is not ABC's policy to make public its membership lists. The reason for this is to avoid harassment of its members. We would prefer at this time not to provide you with this list.

If I may give you further information with respect to this matter, please let me know.

Very truly yours,

Alan P. Dye

Alan P. Dye

APD:wb

Enclosure

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

SCOOP

NEWS AND VIEWS FROM THE "MERIT SHOP"

September 8, 1976

ROUTE TO:

ABC PRESIDENT'S LABOR DAY MESSAGE

In a Labor Day message to ABC's 10,000 members and their employees, Joe M. Rodgers said that the economic isolation of construction unions, rising construction costs, and the consistent and dramatic growth of the Merit Shop has significantly altered the operation of the construction industry in 1976 and will continue to do so unless construction unions become more competitive in the marketplace.

"Rather than work to deliver the goods and services America needs at a quality and price the public can afford," said ABC president Rodgers, "the unions have tried to build a wall around themselves with millions in campaign dollars, special interest laws and the use of violent and illegal activity."

Rodgers said that "relics of past union power" are speeding the demise of union construction. He used the example of the Davis-Bacon Act which requires the federal government to pay from 15 to 30 percent more for construction than similar projects done privately. ". . . the federal government can't afford union construction anymore and the private sector is rapidly turning away. The Davis-Bacon Act has made it almost impossible for the building trades unions to reform themselves. The Davis-Bacon Act may go on," he said, "but union construction will fall by the wayside."

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HELP YOUR EMPLOYEES UNDERSTAND THE ISSUES

Enclosed with this issue of "Scoop" are 25 payroll stuffers comparing the positions of President Ford and Jimmy Carter on key issues in the 1976 campaign. We ask you to insert these informative and educational pieces in the pay envelopes of your employees. Another payroll piece covering other important issues will be released in October.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Additional copies of this piece are available from your chapter office. If you are a member-at-large, request additional copies from ABC's Publications Department at National Headquarters.

CARTER-MONDALE AIDES LOOK FOR RETURN TO JOHNSON-KENNEDY DAYS

In a Washington, D. C. meeting with 18 construction association representatives, Jimmy Carter's aides said, "Carter will push for a return to the Johnson-Kennedy policy of "enlightened self-interest response from the business community." The reception given the Carter aides went from cool to cold as they outlined their construction program. The Carter program calls for the signing of a common situs bill, repeal of right-to-work (14)(b) and the continuation of the Davis-Bacon Act. Construction representatives came down hard on the Carter aides when they tried to explain their program as a pro-competition" policy. The Carter people said the

PUBLISHED MONTHLY BY ASSOCIATED BUILDERS AND CONTRACTORS, INC.
P.O. BOX 8733 • BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, MD. 21240 • PHONE Area Code 301-796-5750

common situs bill would be presented in the John Dunlop form if they are in the White House. The Carter aides said they believed a two title common situs bill would be considered a trade off. The Association representatives said they opposed common situs in any form. In general, the Carter economic policy calls for more federal spending, stand by wage price controls, a $200 billion spending platform, more power to national unions and the elimination of competition between states for new business.

One construction association representative summed the meeting up when he said: "If this is what they think a pro-competition policy is, their thinking is fuzzy, not the issues."

23 CONSTRUCTION GROUPS OPPOSE MASS TRANSIT "NO-STRIKE" PLAN

The U. S. Department of Transportation (DOT) has established a policy of requiring, or at least urging, no-strike agreements on Urban Mass Transit Administration (UMTA) construction projects. Besides restricting free competition, the plan forces open or Merit Shop contractors away from such work. The history of no-strike agreements is strewn with unenforceability, contract violations and lower productivity followed by cost inflation. The agreements appear to be illegal, unconstitutional, wasteful and immoral. ABC, working with an ad hoc group of 23 other construction associations calling themselves the "Mass Transit Agreement Interest Group," met with DOT Secretary Coleman in an attempt to reverse DOT policy. ABC chapters where UMTA projects are now underway have challenged local UMTA and state DOT regulations. ABC presented a position paper opposing the anti-competitive agreements to Secretary Coleman. At the meeting, Secretary Coleman said the policy would be changed to exempt open shop contractors from having to comply with the agreements.

ENGINEERING NEWS RECORD EDITORIAL CRYSTALIZES CONSTRUCTION'S REAL ISSUES

In an Engineering News -Record editorial of August 26 titled "Labor Relations and the Law," ENR editors crystalized some of the major problems facing the industry today. ENR said that in the past few weeks union pickets had shut down $70 million worth of Army construction work because Army personnel were not being paid Davis-Bacon "prevailing" wages. Unions were responsible for pickets and threats of violence against a black contractor on a $93 million project in Baltimore. And DOT had promoted the use of owner-negotiated project labor agreements for Mass Transit work.

> "If the protection of the Davis-Bacon Act is to be extended beyond contract construction work, if the law on minority set aside programs is to be changed, if the ban on unionization from the top down is to be repealed, if mass transit is to be made a union domain, and if the civil rights of black or open shop contractors are to be set aside, only Congress can do it.
>
> There may be more than one way to skin a cat, but anarchy is not one of them."

THE HAPPY RETURNS ARE YOURS

Look for "Happy Birthday To Us" ads in Convention week issues of Business Week magazine and Engineering News-Record magazine. ABC is telling construction consumers and potential members that while we are considered the new-kid-on-the-block, we are 25 years old and 10,000 members strong.

BRAZILIAN GOVERNMENT SEEKS ABC'S JOB SAFETY PROGRAM

The Brazilian government has requested ABC to allow them to translate the copyrighted Job Safety Analyses (JSA) program into Portuguese. Negotiations are currently underway.

NCIC WANTS OFFICE OF CONSTRUCTION IN U.S. DEPARTMENT OF COMMERCE

The National Construction Industry Council headed by NCIC Chairman Philip Abrams (ABC's Past President) agreed at their August meeting to push for a Federal Office of Construction charged with gathering industry statistics, economic analyses, coordinating research, and serving as a liaison office with the Congress and other regulatory agencies. The creation of the office of construction would not require legislation. NCIC is made up of 30-member associations that spend most of their time discussing how not to discuss labor relations.

UNIONS WANT SOLDIERS PAID DAVIS-BACON RATES FOR TRAINING

A laborer's local was successful in shutting down more than $70 million in construction work for 12 days at a military base because they felt soldiers should be paid Davis-Bacon rates while they paved a small parking lot for training. A $40 million barracks project, a $20 million hospital expansion project, a $2 million dining hall renovation and a $1.4 million dental facility were shut down because 500 union workers would not cross the laborers picket lines. An Army spokesman called the project a "small training project." This demonstration of union responsibility took place at Ft. Leonard Wood, Mo.

BUILDING TRADES SPEND FOR CARTER

The AFL-CIO building trades unions have fallen in line behind Jimmy Carter along with other AFL-CIO unions and C.O.P.E. George Meany says the full political apparatus of the AFL-CIO's committee on political education will be deployed in behalf of Carter and also for the campaign of labor-endorsed congressional candidates.

ABC REVIEWS UNION VIOLENCE WITH SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Discussions on the need for legislation to correct the reoccurring problem of constuction site crimes are underway between ABC and the U. S. Senate Permanent Subcommittee on Investigations. ABC's Director of Legal Rights and Strategy and Field Representative are conducting a series of meetings with the Subcommittee's staff at ABC's National Headquarters and on Capitol Hill.

CONSTRUCTION'S PRODUCTIVITY WOES AFFECT ALL

With no other groups able to report much success in improving productivity in the construction industry, the Nation's civil engineers have become the most recent industry group to re-emphasize the need for major improvements in construction productivity. At a recent Chicago productivity conference, a group of mostly fellows of the American Society of Civil Engineers heard speakers say the problems in productivity are not confined to construction phases but are potentially widespread in design phases as well, which is where housecleaning should begin.

Areas of crucial concern affecting productivity in the design professions include wasted design time, including redesign efforts, and government regulations. The group called for better data so that productivity can more accurately be measured.

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JOINT MINORITY CONFERENCE SCHEDULED

Transportation Secretary William Coleman will be guest speaker at the opening session of the Annual Joint Minority Conference September 23-25 in Washington, D. C. The conference, sponsored by organizations representing minority contractors, architects, mortgage bankers, real estate brokers, housing specialists, and consulting engineers, will focus on political campaign issues affecting minorities in business and industry, economic trends, federal and local government programs and other conference topics.

PRESIDENTIAL APPOINTMENTS

The Senate confirmed John Penello to a second five year term on the NLRB, ABC supported Penello. The nomination of Thomas Longshore, whom ABC supported, to the Board of Tennessee Valley Authority was rejected in Committee by a vote of 8 to 6.

OSHA

Legislation (S 3182) to provide on-site consultation services to assist business in complying with OSHA regulations remains in the Senate Labor Committee. Senator Taft (R-Ohio), the primary sponsor of the bill, is expected to make an effort to attach it as a rider to some other legislation in hopes of getting favorable consideration sometime this year. The Taft measure is identical to the House-passed version (H.R. 8618).

CLEAN AIR ACT

A bitter struggle is expected when the controversial Clean Air bill (H.R. 10498) reaches the House floor the week of August 30. ABC supports Representative Bill Chappell's amendment to delete Section 109 (no growth standards resulting in land use control) from the bill. The Senate passed version of the bill (S. 3219) includes the no growth provisions.

MINIMUM WAGE

The AFL-CIO is attempting to rally a coalition of Democrat and Republican Representatives to move the Minimum Wage bill (H.R. 10130) which is stalled in the House Labor Committee. The bill would increase the minimum wage to $3.00/hr. and grant overtime at the rate of double time and a half over 40 hours.

REVENUE SHARING

An amendment offered by Senators Fannin and Dole to strike application of the Davis-Bacon Act to projects financed under Revenue Sharing was rejected during markup in the Senate Finance Committee. An amendment by Senator Nelson to broaden Davis-Bacon coverage was also defeated. We expect similar efforts to take place on the Senate floor when the Revenue Sharing Bill is considered as early as September 8. Please wire or phone your Senators urging them to support the Dole/Fannin amendment to eliminate Davis-Bacon coverage under Revenue Sharing.

INTERIM INVESTIGATORY REPORT
MUR 274
May 12, 1977

Summary of action to date:

October 12, 1976	Complaint received from Kathleen Bergin stating that Federline Inc. had distributed coercive campaign material in the pay envelopes of its employees.
October 28, 1976	48-hour report transmitted to Commission. No objections received. Reason to believe as to violation of 441b(b)(2)(A) found.
November 1, 1976	Letters mailed to Mr. James A. Federline and Ms. Bergin.
November 10, 1976	Reply from Mr. Federline received by the Commission. Stated that material was intended to compare and contrast issues, not coerce.
November 15, 1976	Letter mailed to Federline requesting information as to cost of the brochure and recipients of the material.
November 30, 1976	This office received a reply from Mr. Federline, stating that his company incurred no costs in distributing the brochure to its employers. The material was obtained from Associated Builders and Contractors, Inc., a construction trade association.
December 15, 1976	General Counsel's report was signed and transmitted to the Commission. Recommendation was to find no reason to believe that Federline had made a corporate expenditure and to close file. Commission rejected recommendation.
January 6, 1977	Letters were sent to two ABC, Inc. political action committees which were listed in the Commission files. A letter requesting more information was also mailed to Mr. Federline.
January 14, 1977	Mr. Federline replied to our requests for information as to number of employees and estimated time that the placement of the brochure into pay envelopes employed

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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January 17, 1977	ABC PAC, Louisville, Kentucky replied to our letter of January 6, 1977. They said they received 1,000 copies of the brochure from their chapter's National Association of ABC, Inc. For that reason, they did not report the brochures as an expenditure.
January 25, 1977	Merit Shop Action Committee responded to our letter. They said that they had no part in publishing the brochure, and thay they understood that ABC, Inc. in Washington, D.C. financed the material.
February 8, 1977	A General Counsel's report was transmitted to the Commission, recommending that Federline's violation was de minimis, and therefore that the case should be closed. The Commission rejected the recommendation.
February 16, 1977	A 48-hour report was transmitted to the Commission recommending that a finding of reason to believe be reached as to ABC, Inc. in violation of 441b. No objections were received.
March 2, 1977	A letter was sent to Gerald Oliver, President of ABC, Inc. Information was requested as to costs and recipients of the brochure.
April 5, 1977	Alan Dye, a lawyer for ABC, Inc., informed us of the number of brochures printed, the costs incurred, the recipients, and the fact that no group or individual received more than 100 copies.
April 19, 1977	Letter mailed requesting documentation of facts stated in Dye's April 5 letter.
May 2, 1977	Documentation received, revealed that costs detailed in April 5 letter were inaccurate.

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Alan P. Dye
Webster & Chamberlain
1747 Pennsylvania Ave., N.W.
Washington, D.C. 20006

19 MAY 77

Re: MUR 174 (77)

Dear Mr. Dye:

This is in response to your letter of May 2, 1977, regarding the above numbered MUR.

The Commission requires certain further information in addition to what you have furnished to date. Specifically, we would like copies of the "Scoop" newsletter and any other materials which were included in the ABC membership mailing of the "Notice of Federal Election." We would also appreciate it if you would supply us with a copy of the ABC membership list, indicating (if relevant) any members who did not receive a copy of the materials noted herein.

The Commission appreciates your voluntary cooperation in this matter. If you have any questions, please contact Kathryn Kavanagh (523-4073), the staff member assigned to this matter.

Sincerely yours,

William Oldaker
General Counsel

KK
KK:caw:5/18/77

FEDERAL ELECTION COMMISSION
OFFICIAL FILE
OFFICE OF GENERAL COUNSEL

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Z 904 009 354 337

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Mr. Alan Dye
Webster & Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	038277	

(Always obtain signature of addressee or agent)

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

Alan Dye (Timothy B.)

4. DATE OF DELIVERY: APR 1 0 1977

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1976—O-203-456

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 785-9500

GEORGE D. WEBSTER
CHARLES E. CHAMBERLAIN
WILLIAM J. LEHRFELD
ARTHUR L. HEROLD
ALAN P. DYE
MICHAEL LENEHAN
JAMES L. WILSON
CHRISTOPHER L. HARTWELL

OF COUNSEL
H. CECIL KILPATRICK
MILTON A. SMITH

May 2, 1977

Ms. Kathryn Kavanagh
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: Associated Builders and Contractors
MUR 274 (76)

Dear Ms. Kavanagh:

Attached hereto are copies of:

1. A bill from the Arundel Mailing Service for the mailing of the Scoop newsletter and the accompanying "Notice of Federal Election". As you can see, the part of the cost attributable to the "Notice" was $325.00.

2. The bills from Reese Press, Inc. for printing the "Notice of Federal Election". I have been informed that the roughly 170,000 copies of the "Notice" which were not sent to members were discarded; thus, the actual cost to print those mailed was lower than the amount appearing on the bill. The Staff of the Association informs me that no record can be found of any "Notices" sent to non-members.

3. The statement of the U. S. Postal Service for the mailing of the combined pieces. The normal price for mailing the Scoop newsletter is $716.00, since ABC is

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

3. (Continued)
charged by the piece rather than by the pound. Thus, the additional cost attributable to the mailing of the "Notice of Federal Election" is zero.

If I may provide you with any further information, please let me know.

Very truly yours,

Alan P. Dye

ALAN P. DYE

APD:jb
Enclosures

Subscribed and sworn to before me by ALAN P. DYE this 2nd day of May, 1977

Jane L. Harsley
Notary Public

7004100934330

ARUNDEL MAILING

Direct Mail Service

UP-TO-DATE LISTS • INSERTIONS • FOLDING • ADDRESSING • MAILING

921 E. FORT AVE. BALTIMORE, MD. 21230

PHONE 837-3659

Assoc. Builders & Cont.
P.O. Box 8733
Baltimore Inter'l Airport
Baltimore Maryland 21240

Job # 1037
Inv # 8650

Sept 10,1976

C 00934440

SCOOP SEPT 8,1976'

9548-labels applied to envelopes,scoop brochure inserted plus 25 copies of "Notice of Federal Election" which had to be separated by slip sheet,inserted with Scoop,envelopes sealed tied,bagged and delivered to the post office at 50.00 perM

$477.40

50 - 28 = 152.40
58 - 28 = 325.00
477.40

P.R.

P.R. portion to be billed at 34¢ per thousand
Scoop " to be " at 16.00 " "

Amount $
Post to A/C
By Date
Checked By
CR | CD | J.E.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE
OFFICE OF GENERAL COUNSEL

REESE PRESS, INC.

CANDLER BUILDING ■ 714 EAST PRATT STREET ■ BALTIMORE ■ MARYLAND 21202 ■ 301/539-5774
WASHINGTON: ENTERPRISE 1-5774

SOLD TO
Asso. Bldrs. & Contractors, Inc.
P.O. Box 8733
Balto.-Wash. International
Airport, Maryland 21240

CUSTOMER'S ORDER NO.	OUR ORDER NO.	TERMS:	INVOICE DATE
	559	Net 30 Days	September 21, 1976

409,000 - Bill Stuffers
Printed 2 Sides in
Black Ink

$1,688.50
67.54 TAX

$1,756.04 TOTAL

Amount $ 1756.04
Post to A/C 58-25
By Bill Date 9/21/76
Checked By
CR | CD | J. E.

A monthly interest charge of 1½ % will be made on the unpaid balance on accounts over thirty (30) days old.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

U.S. POSTAL SERVICE

STATEMENT OF MAILING MATTER WITH PERMIT IMPRINT

PERMIT NO. 2213

MAILER: Complete all items by typewriter, pen or indelible pencil. Prepare in duplicate if receipt is desired.

POST OFFICE	DATE	RECEIPT NO.	NUMBER OF SACKS	CARTONS	OUTSIDE BUNDLES
[illegible] E, MD	9-10-76		69		

☐ 1st–Letters, written matter, post cards. ☐ 2nd–Newspapers and magazines entered as second-class mail. ☒ 3rd–Circulars and other printed matter. ☐ Merchandise less than 16 ozs. ☐ 3rd–Books or catalogs of 24 pages or more, seeds, [illegible] than 16 ozs. ☐ 4th–Parcel post, books, merchandise, printed matter, 16 ozs. or more.

NAME AND ADDRESS OF PERMIT HOLDER *(Include ZIP Code)*

ASSOC. BUILDERS & CONTRACTORS INC.
P.O. BOX 8765
BALTO-WASHINGTON INTERNATIONAL AIRPORT, MD 21240

TELEPHONE NO.

SIGNATURE OF PERMIT HOLDER OR AGENT

[illegible] $716.10

NAME AND ADDRESS OF INDIVIDUAL OR ORGANIZATION FOR WHICH MAILING IS PREPARED *(If other than permit holder)*

Date 9/23

By

☐ Check here when mailing is by authorized nonprofit organization. *(Section 132.3, PSM)*

☐ YES ☐ NO Mailer (other than authorized nonprofit organization) must check here if this is total mailing made at bulk third-class rates at all post offices, under any name, for the current calendar year, exceed 200,000 pieces.

Weight of a single piece.	2.6 ozs.
Number of pieces in a pound *(for third-class matter mailed at bulk rates.)*	6.15
Total number of PIECES in mailing.	9548
Total number of POUNDS in mailing.	1552
Rate chargeable on each *(check one)* ☐ POUND ☒ PIECE is →	7.5 ¢
TOTAL COMPUTED POSTAGE	$ 716.10

PS Form 3602 July 1974

US POSTMASTER BALTIMORE

U.S. GOVERNMENT PRINTING OFFICE 1974-[illegible]

7004100934 12

FEDERAL ELECTION COMMISSION
OFFICIAL COPY

FOR USE OF POSTAL SERVICE ONLY

WEIGHING SECTION—COMPLETE APPLICABLE PART BELOW 1167

STATION OR UNIT	PERMIT NO.
21233	2243

FINANCE NO.	NAME OF PERMIT HOLDER
23-0378	ASSOC BUILDERS + CONT. INC.

RECEIVED AND WEIGHED

DATE	TIME
09-10-76	10 15 ☐ A.M. ☐ P.M.

☐ LETTER MAIL—All mail normally processed through letter cases.

☐ FLATS—All mail normally processed through flat cases.

☐ SMALL PARCELS AND ROLLS—All mail except mail normally distributed in letter or flat cases.

NUMBER OF			CLASS	WEIGHT OF A SINGLE PIECE	NUMBER OF		
SACKS	CARTONS	OUTSIDE BUNDLES			PIECES IN A POUND	TOTAL PIECES	TOTAL POUNDS
69			3C	2.6	6.15	9548	1552

RATE CHARGEABLE ON EACH (Check one)			TOTAL POSTAGE
☑ PIECE	☐ POUND	7.5 ¢	$716.10

I CERTIFY that the matter mailed has been inspected, the statement of mailing on the reverse of this form has been verified, and the bulk mailing fee has been paid.

(WEIGHER)

7900409344

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF [illegible]

1747 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Ms. Kathryn Kavanagh
Office of the General Council
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20036

By hand
May 3

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 19, 1977

Mr. Alan Dye
Webster & Chamberlain
1747 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Re: MUR 274 (76)

Dear Mr. Dye:

Thank you for your reply to our letter of March 2, 1977, to Associated Builders and Contractors, Inc. In order that we may act expeditiously in this matter please send us any documentation you have available (e.g., bills, letters, memoranda, etc.) to substantiate your statements as to 1) the number of brochures printed, 2) the cost of printing, 3) the cost of mailing, and 4) the number received by each group or individual. In addition, please provide us with the dates that the above-mentioned expenditures were made.

Please submit your response within 10 days after receipt of this letter.

Sincerely yours,

Charles N. Steele
Acting General Counsel

KK:caw:4/18/77

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7904009344 5

MCC# 186

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
(202) 785-9500

GEORGE D. WEBSTER
CHARLES E. CHAMBERLAIN
WILLIAM J. LEHRFELD
ARTHUR L. HEROLD
ALAN P. DYE
MICHAEL LENEHAN
JAMES L. WILSON
CHRISTOPHER L. HARTWELL

OF COUNSEL
H. CECIL KILPATRICK
MILTON A. SMITH

RECEIVED
FEDERAL ELECTION
COMMISSION
'77 APR 12 AM 11:29

April 5, 1977

771167

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

Dear Mr. Oldaker:

We have been asked to reply to your letter of March 2, 1977, to Associated Builders and Contractors, Inc. (ABC). In that letter you state that the Commission has reason to believe that ABC has violated the Federal Election Campaign Act of 1971, as amended. In particular, you cite 2 USC §441b, which prohibits contributions or expenditures by corporations in connection with any election to federal office. You state that the cost of publishing and mailing a brochure entitled "Notice of Federal Election" to members of ABC may constitute a corporate contribution and a violation of the Federal Election Campaign Act.

In connection with your investigation you ask that we advise you of certain information, which is as follows:

1. Associated Builders and Contractors printed 10,000 of the brochures at issue.

2. The cost of printing amounted to $300.

3. The brochures were mailed exclusively to members of ABC at a cost of approximately $2,500.

4. No individual or group received 100 or more copies.

ABC has asked us to represent them in this matter, and to so notify you in writing. We believe that the brochure was

OFFICIAL FILE
OFFICE OF GENERAL C

an attempt to educate ABC members with respect to issues and was therefore not a political expenditure within the meaning of the Federal Election Campaign Act.

Very truly yours,

Alan P. Dye

Alan P. Dye

APD:wb

7004009347

LAW OFFICES
WEBSTER & CHAMBERLAIN
1747 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006

RECEIVED
FEDERAL ELECTION
COMMISSION

WASHINGTON, D.C.
PM
11 APR

United States Po

'77 APR 12 AM 10:28

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

MCR# 141
NRN

'77 APR 5 PM 1:30

associated builders and contractors, inc.

SUITE 409 • 444 NORTH CAPITOL STREET N.W. • WASHINGTON, D.C. 20001 • PHONE Area Code 202-347-8681

April 1, 1977

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

Dear Mr. Oldaker:

Your letter of March 2, 1977, addressed to Mr. Gerald Oliver has been forwarded to us from our former address on 15th Street, and it has been referred to legal counsel.

You will receive our response promptly.

Sincerely,

Lawrence J. Hogan

Lawrence J. Hogan
Executive Vice President

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

MUR 224

Merit Shop Builds Best

OFFICERS: Gerald Oliver, President • Lawrence J. Hogan, Executive Vice Pres. • Joseph Burton, 1st Vice Pres. • Robert Turner, 2nd Vice Pres. • Joe Scheyd, 3rd Vice Pres. • Carl Parker, Secretary • Franz June, Asst. Secretary • Ted Kennedy, Treasurer • Edward Windemuller, Asst. Treasurer

associated builders and contractors, inc.

SUITE 409 - 444 NORTH CAPITOL STREET, N. W.

WASHINGTON, D. C. 20001

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

"Merit Shop Builds Best"

File

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Gerald Oliver
President
Associated Builders-
Contractors Inc.
1156 15th Street, N.W.
Washington, D.C. 20005

March 2, 1977

Re: MUR 274 (76)

Dear Mr. Oliver:

This is to notify you that certain matters concerning your organization, have come to the attention of the Federal Election Commission. The Commission has reason to believe that these matters may be in violation of 2 U.S.C. §441b.

The brochure entitled "Notice of Federal Election", a copy enclosed herewith, was disseminated in various states during the 1976 presidential campaign. Inquires by the Commission suggest that your organization may have provided the brochure. ABC, Inc., according to Commission files, does not maintain a separate segregated fund for political activities. The costs in publishing and mailing the brochure, if incurred by ABC, Inc., may constitute a corporate contribution and a violation of the Federal Election Campaign Act of 1971, as amended (see §441b).

In this regard, please advise the Commission if ABC had the brochure printed. If so, we would like to know the amount expended in printing and mailing the brochure, the number of brochures published, the manner in which they were disseminated (i.e. direct mail to individuals, bulk mailing to associations, corporations or committees, etc.), and the names and addresses of any individuals or groups which received 100 or more copies of the material.

For your information we have enclosed a copy of the Federal Election Campaign Act of 1971, as amended, and the Commission's Proposed Regulations. The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

days after receipt of this letter. If you have any questions please contact Kathryn Kavanagh (202/382-5657), the staff member assigned to this matter.

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

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

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

7004009345

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc/) MUR 274 (77)
Associated Builders)
& Contractors, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 17, 1977, the Commission determined by a vote of 4-0 that there was Reason to Believe a violation of 2 U.S.C. §441b had been committed in the above-captioned matter. Commissioners Staebler and Tiernan were not present at the time of the vote.

Marjorie W Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
GENERAL COUNSEL

7904009345 3

February 17, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE by mec

RE: MUR 274 (76)

The above-mentioned MUR was transmitted to the Commissioners on February 16, 1977 at 2:00 p.m.

Commissioner Aikens submitted an objection to MUR 274 (76) at 4:50, February 16, 1977. MUR 274 (76) has been placed on the Compliance Agenda for February 17, 1977.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

DATE AND TIME OF TRANSMITTAL: 2/16/77

NO. MUR 274 (77)

REC'D: 10-12-76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Kathleen Bergin (notarized)

Respondent's Name: James A. Federline, Inc./Associated Builders & Contractors, Inc.

Relevant Statute: §441b

Internal Reports Checked: ABC PACs (Wisconsin, Oklahoma, Texas, Central Michigan and Kentucky)

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

1) That James A. Federline, Inc. distributed a brochure which advocated the election of a clearly identified candidate in the pay envelopes of employees, in violation of §441b.

2) That Associated Builders & Contractors, Inc., in publishing and disseminating the brochure, had incurred expenses which would constitute a violation of §441b.

PRELIMINARY LEGAL ANALYSIS

The Commission found reason to believe as to allegation #1 on October 28, 1976. Information obtained during the investigation of Federline, Inc. revealed that that the brochures were provided by Associated Builders & Contractors, Inc. Further, it was found that the Kentuckiana Chapter of ABC, Inc., a political action committee, had received approximately 1,000 of the brochures from ABC, Inc. This suggests that the distribution of the material may have been wide-

(Continuation Sheet)

RECOMMENDATION

Find reason to believe as to ABC, Inc. in addition to Federline, Inc. Send attached letter.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CONTINUATION SHEET

PRELIMINARY LEGAL ANALYSIS

spread. The use of funds by ABC, Inc. to print and mail the brochures, could be a corporate contribution in violation of §441b.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc.)

GENERAL COUNSEL'S REPORT

I. Summary

The MUR originated with a complaint, filed by a Federline employee, charging that the respondent had placed a brochure advocating the election of a particular candidate in the pay envelopes of Federline, Inc., employees. On October 29, 1976 the Commission found reason to believe that there may have been a violation of 2 U.S.C. §441b, if the cost of the materials was incurred by the respondent.

A General Counsel's Report, submitted on December 15, 1976, recommended closing the file in this matter. At the meeting on December 22, 1976, the Commission requested that additional information be obtained.

II. Evidence

The complainant submitted the material, which contrasted various postitions of Ford and Carter, with Ford depicted in

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7 0 4 0 0 9 3 4 5 7

an advantageous light in each case. The brochure, the complainant stated, had been included with her paycheck and that of other employees on October 7, 1976 (Attachment A).

James A. Federline, in a notarized letter of November 30, 1976, asserted that "there were no costs incurred by my company in disseminating the brochure involved" (Attachment B). The material, he indicated, was obtained from Associated Builders and Contractors, Inc., a trade association. All employees received the material. The General Counsel's first report was based on the information in this letter.

Federline replied to the Commission's request for additional information on January 14, 1977 (Attachment C). Federline stated that his company employs 141 persons; that the brochures were furnished, without prior arrangement, by ABC; that the placement of the paychecks and ABC materials into envelopes took 20 additional minutes of the receptionist's time on October 7, 1976. The process, he stated, normally involves about 30 minutes.

7 0 4 0 0 9 3 4 5 8

III. Analysis

According to Federline's letter, approximately 20 minutes of additional receptionist's time was spent placing the brochures in the pay envelopes; since the

company employs 141 persons, this does not appear to be an unreasonable time estimate. Furthermore, the actual cost of the materials was not incurred by the corporation. Although the facts of this matter indicate that a technical violation of §441b has been committed, it appears that the contribution is de minimis and may very well have been inadvertent. In such circumstances, there is no reason for the Commission to take further action against respondent. Under different factual circumstances, involving, for example, a greater use of corporate personnel for distribution of such campaign materials, a different result may be warranted.

IV. Recommendation

Close file.

7 9 0 4 0 0 9 3 4 5 9

WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE: 2/8/77

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. James Federline
President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, Maryland 20760

Dear Mr. Federline:

This is to advise you that the Commission has voted to terminate its investigation regarding Federline, Inc. A copy of a certification of the Commission's action is enclosed herewith.

We have also enclosed a copy of the General Counsel's report recommending to the Commission that the file in this matter be close. As you will note, the report indicates that the use of your receptionist to place the brochure in the envelope constitutes a contribution within the meaning of 2 U.S.C. §441b; however, in view of the fact that the contribution appears to have been minimal (according to the information in your letter), and, indeed, may have been inadvertent, the report indicates that a further commitment of Commission resources is not warranted.

If you have any questions, please contact Kathry Kavanagh (202-382-3153), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 9 0 4 0 0 9 3 4 6 0

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Ms. Kathleen Bergin
12000 Old Georgetown Road
Rockville, Maryland 20852

Dear Ms. Bergin:

This is to notify you that the Commission has voted to terminate its investigation into the matters set forth in your complaint of October 7, 1976. Copies of a certification of the Commission's action and the General Counsel's Report recommending that the file in this matter be close are attached.

If further information comes to your attention which you believe establishes a claim on matters within the jurisdiction of the Federal Election Commission, please feel free to write and apprise us of them.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

7900409346

2 0 4 0 0 9 3 4 6 2

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

Attachment A

Attachment B

MUR 274

James A. Federline, Inc.

November 30, 1976

1976 NOV 30 PM 3:33

HAND DELIVERED

763948

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Re: MUR274 (76)

Dear Mr. Murphy:

I am in receipt of your letter of November 1, 1976 requesting additional information in connection with the above-referenced case.

Please be advised as follows:

1. There were no costs incurred by my company in disseminating the brochure involved. The brochures were received without cost to the company and were placed in the envelopes containing paychecks simultaneously with the placement of the check in the envelope by the employee who normally performs this task.

2. The material was obtained from Associated Builders and Contractors, Inc., a construction trade association.

3. The brochure was distributed to all employees of the company who received pay envelopes on the 7th day of October, 1976.

4. The brochure was intended to be informational only and no attempt to coerce or dictate voter selection was made or intended by the distribution.

5. If the distribution constituted a violation of the Federal Election Campaign Laws, James A. Federline, Inc. did not know

that the distribution was unlawful and James A. Federline, Inc. did not intend to violate any law by distributing the brochures.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline
President

STATE OF MARYLAND)
COUNTY OF Montgomery)

Subscribed and Sworn to before me this 30th day of November, 1976.

Notary Public Kathryn J. Harvey

My commission expires 7/31/78

JAF/tc

9004009346

Attachment C CC# 1911

James A. Federline, Inc.

January 14, 1977

77 JAN 17 AM 11:05

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

770159

Re: MUR 274 (76)

Dear Mr. Oldaker:

In response to your recent request for additional information, please be advised as follows:

1. There are 141 persons employed by James A. Federline, Inc. as of this date.

2. One employee participated in the placement of brochures into the pay envelopes.

   One employee normally handles pay envelopes.

3. The person that placed the brochures in the envelope was a receptionist.

4. The placement of paychecks into envelopes normally involves about 30 minutes time. The process took 20 minutes longer on the day in question.

5. No arrangements were made with ABC for furnishing the brochures. We do not have in our possession any correspondence which might have been included with the material at James A. Federline, Inc.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline
President

CC#1831
MUR 374

Merit Shop ACTION COMMITTEE

EDWARD BAKER, TREASURER • 6482 SLIGO MILL RD. • TAKOMA PARK MD. 20012

FEDERAL ELECTION COMMISSION
JAN 25 PM 12:55

January 24, 1977

770259

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

Dear Mr. Oldaker:

Mr. Abrams has forwarded your letter of January 6, to my attention for response. To recapitulate, you inquired as to the origin and financial backing of a brochure entitled "Notice of Federal Election." Specifically, your letter stated that the Merit Shop Action Committee paid for this publication.

By this letter, please be informed that the Merit Shop Action Committee did not in any manner of speaking publish, finance or otherwise have anything to do with the aforementioned brochure.

In this regard, it is my understanding that the Associated Builders and Contractors, Inc., did publish the brochure in question. The address is 1156 15th Street, N.W., Suite 731, Washington, D.C. 20005. ABC's current President is Gerald Oliver.

Sincerely,

E A Baker

Edward A. Baker
Treasurer

EAB/cn

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

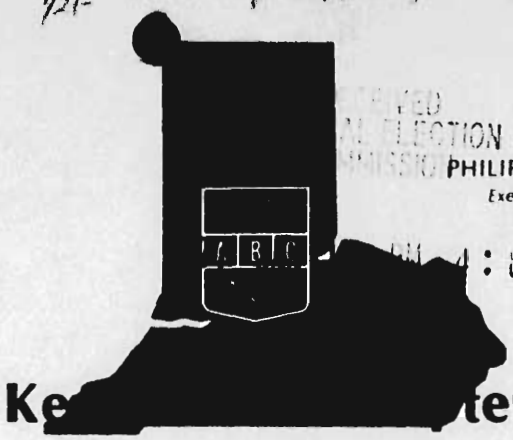
Merit Shop ACTION COMMITTEE
EDWARD BAKER, TREASURER • 6482 SLIGO MILL RD. • TAKOMA PARK MD. 20012

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

1/21- To (1) DSp (2) Kat, (3) Lee, K

ASSOCIATED BUILDERS AND CONTRACTORS

Merit Construction Builds Kentuckiana Best



PHILIP J. ANDERSON
Executive Director

: 03

January 17, 1977

MUR 074

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

Dear Ms. Kavanagh:

As designated agent for our Associated Builders and Contractors Political Action Committee, I am following up on our telephone conversation of last week and responding to the letter (copy enclosed) addressed to Mr. Tom Wood (our ABC/PAC Treasurer) by Mr. William Oldaker.

The brochure in question was printed and supplied to us (approx. 1000 copies) by our chapter's National Association (Associated Builders & Contractors, Inc., P. O. Box 8733, Baltimore-Washington International Airport, Maryland 21240) for distribution to the members of the Associated Builders & Contractors of Kentuckiana, Inc., the Chapter of ABC with which we are affilated. We received the brochures in September, 1976 and in October, 1976 sent several copies (2-3) to each of the member firms of ABC of Kentuckiana, Inc. (Membership Directory enclosed). In doing so, there was no expense incurred, since they were enclosed with a regular weekly mailing at no extra postage charge.

I hope the above information satisfies your request. However, if you have any further questions, please call me (502/459-6585).

Sincerely,

Philip J. Anderson
Designated Agent
Associated Builders & Contractors Political Action Committee

PJA:mak

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 06 1977

Mr. Tom Wood
Treasurer
Associated Builders and Contractors
Political Action Committee
1941 Bishop Lane
Suite 205 A
Louisville, Kentucky

7 9 0 4 0 0 9 3 4 6 9

Dear Mr. Wood:

It has been brought to the attention of the Commission that the Associated Builders and Contractors Political Action Committee was the financer of a brochure entitled "Notice of Federal Election" (a copy is enclosed) which, although ostensibly setting forth a comparison of the issue positions of Ford and Carter, appears to advocate the election of a clearly identified candidate. If the cost of providing such advocatory material exceeds $2,000, it must be reported to the Commission (2 U.S.C. §431(f)(4)(C)).

An examination of the campaign reports filed by your group and other ABC state PACs does not indicate what expenses were incurred in the publication of this brochure. Accordingly, I would appreciate your advising the Commission as to where the expenditure was reported. If it was not reported, please file an amended report listing the costs involved. Please also list the name and address of all organizations to whom the brochures were sent. In addition, please furnish us with a copy of any correspondence from your organization which accompanied the aforementioned material to members of your association and any other recipients. Your response should be submitted within ten days after receipt of this letter.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

If you have any questions the staff member assigned to this matter is Kathryn Kavanagh (202/382-1047).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

7900093470

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .
WHO IS FOR . . . WHO IS AGAINST . . .
WHAT IT MEANS TO YOU.

1. LEGALIZATION OF SECONDARY BOYCOTTS AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. INCREASED FEDERAL DEFICIT AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. DAVIS-BACON ACT REFORMS FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. FORCED BUSING AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the
5. FEDERAL AID TO NEW YORK CITY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.
6. POST CARD VOTER REGISTRATION AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.
7. GOVERNMENT PLANNED & CONTROLLED ECONOMY AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Federal bureaucracy guarantees to provide government allotted "Make Work" jobs to be paid for by taxpayers who are painfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or retrain employees.
8. WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION FOR: PRESIDENT FORD AGAINST: JIMMY CARTER	Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization commonly called right to work. The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!

6 0 0 F 0 6 4

CC# 1211

James A. Federline, Inc.

FEDERAL ELECTION COMMISSION

January 14, 1977

'77 JAN 17 AM 11:05

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

770159

Re: MUR 274 (76)

Dear Mr. Oldaker:

In response to your recent request for additional information, please be advised as follows:

1. There are 141 persons employed by James A. Federline, Inc. as of this date.

2. One employee participated in the placement of brochures into the pay envelopes.

   One employee normally handles pay envelopes.

3. The person that placed the brochures in the envelope was a receptionist.

4. The placement of paychecks into envelopes normally involves about 30 minutes time. The process took 20 minutes longer on the day in question.

5. No arrangements were made with ABC for furnishing the brochures. We do not have in our possession any correspondence which might have been included with the material at James A. Federline, Inc.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline
President

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

James A. Federline, Inc.

'77 JAN 17 AM 10:43

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

26 W. Diamond Avenue, Gaithersburg, Maryland 20760

7 9 0 4 0 0 9 3 4 7 4

entuckiana Chapter

Suite 205-A / Watterson City West
1941 Bishop Lane / Louisville, Ky. 40218

FEDERAL ELECTION COMMISSION
OFFICIAL MAIL

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

Attn: Ms. K. Kavanagh

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Wood
Treasurer
Associated Builders and Contractors
Political Action Committee
1941 Bishop Lane
Suite 205 A
Louisville, Kentucky

JAN 06 1977

Dear Mr. Wood:

It has been brought to the attention of the Commission that the Associated Builders and Contractors Political Action Committee was the financer of a brochure entitled "Notice of Federal Election" (a copy is enclosed) which, although ostensibly setting forth a comparison of the issue positions of Ford and Carter, appears to advocate the election of a clearly identified candidate. If the cost of providing such advocatory material exceeds $2,000, it must be reported to the Commission (2 U.S.C. §431(f)(4)(C)).

An examination of the campaign reports filed by your group and other ABC state PACs does not indicate what expenses were incurred in the publication of this brochure. Accordingly, I would appreciate your advising the Commission as to where the expenditure was reported. If it was not reported, please file an amended report listing the costs involved. Please also list the name and address of all organizations to whom the brochures were sent. In addition, please furnish us with a copy of any correspondence from your organization which accompanied the aforementioned material to members of your association and any other recipients. Your response should be submitted within ten days after receipt of this letter.

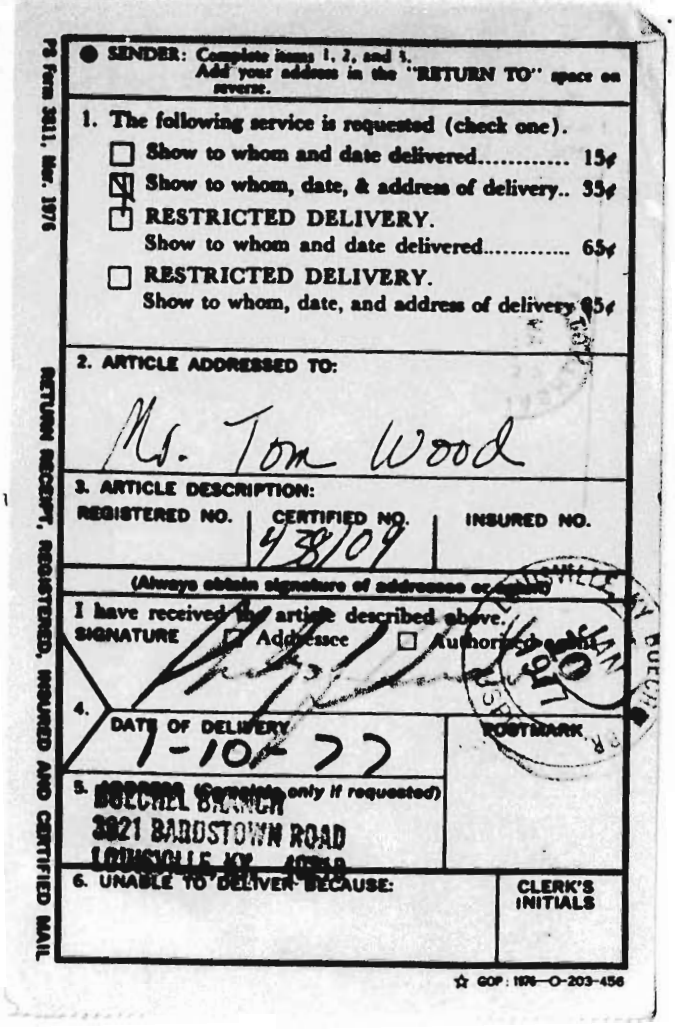
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

If you have any questions the staff member assigned to this matter is Kathryn Kavanagh (202/382-1047).

Sincerely yours,

7 9 0 4 0 0 9 3 4 7 6

Enclosu



PS Form 3811, Mar. 1976 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Mr. Tom Wood

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 43109 | INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY 1-10-77 POSTMARK

5. ADDRESS (Complete only if requested)
RUSSELL BRANCH
3921 BARDSTOWN ROAD
LOUISVILLE KY 40218

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1976—O-203-456

NH 274

MUR 574

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip Abrams
President
Associated Builders & Contractors
Merit Ship Action Committee
6482 Sligo Mill Rd
Takoma Park, Maryland, 20012

JAN 06 1977

Dear Mr. Abrams:

It has been brought to the attention of the Commission that the Associated Builders and Contractors Political Action Committee was the financer of a brochure entitled "Notice of Federal Election" (a copy is enclosed) which, although ostensibly setting forth a comparison of the issue positions of Ford and Carter, appears to advocate the election of a clearly identified candidate. If the cost of providing such advocatory material exceeds $2,000, it must be reported to the Commission (2 U.S.C. §431(f)(4)(C)).

An examination of the campaign reports filed by your group and other ABC state PACs does not indicate what expenses were incurred in the publication of this brochure. Accordingly, I would appreciate your advising the Commission as to where the expenditure was reported. If it was not reported, please file and amended report listing the cost involved. Please also list the name and address of all organizations to whom the brochures were sent. In addition, please furnish us with a copy of any correspondence from your organization which accompanied the aforementioned material to members of your association and any other recipients. Your response should be submitted within ten days after receipt of this letter.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

2004093477

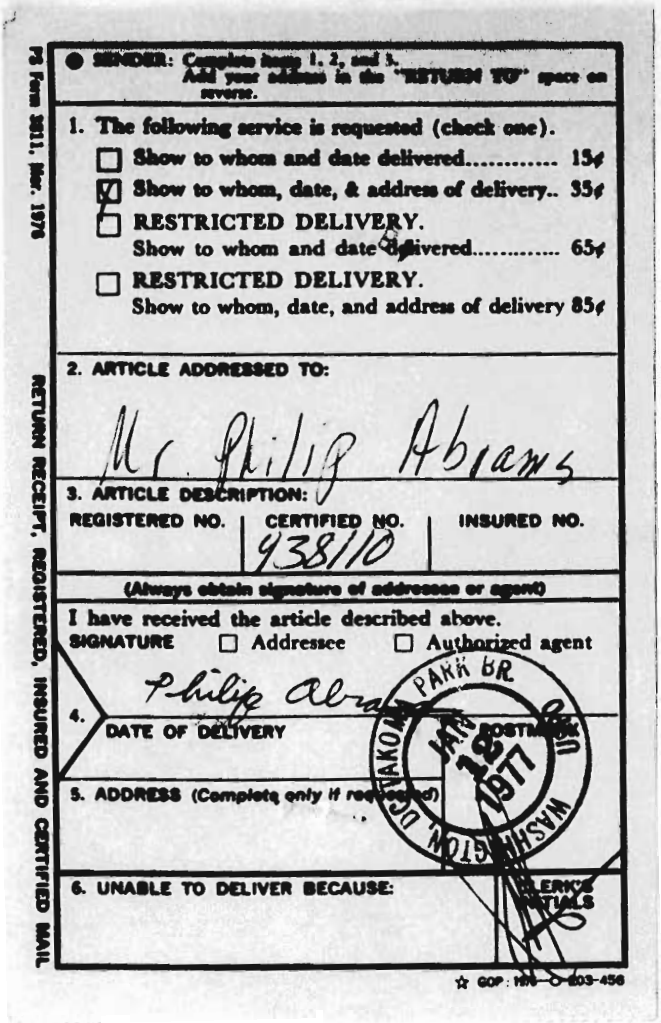
If you have any questions the staff member assigned to this matter is Kathryn Kavanagh (202/382-1047).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

Z 004 009 347 3



PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:
Mr Philip Abrams

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 93810 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
POSTMARK: WASHINGTON DC PARK BR JAN 18 1977 USA

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:
CLERK'S INITIALS

☆ GPO : 1976 O-203-456

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James P. Federline
26 W. Diamond Avenue
Gaithersburg, Maryland 20760

JAN 06 1977

Re: MUR 274 (76)

Dear Mr. Federline:

This is in regard to MUR 274 involving your corporation's dissemination of material advocating the election or defeat of a clearly identified candidate. As noted in our previous letter of 2 U.S.C. §441b prohibits corporations from making expenditures in connection with Federal elections. "Expenditures" has been construed by the Commission in its proposed regulations as including "anything of value" such as "personnel . . . or other in-kind contributions provided without charge (see proposed regulations §100.7).

Your response does not indicate sufficiently what costs were incurred by your company in connection with the placing of the brochures in the pay envelopes of your employees. In particular, please answer the following:

1) How many persons are employed by James Federline, Inc.?

2) What number of employees participated in the placement of brochures into pay envelopes? Is this the same number that normally handle pay envelopes?

3) What positions did these employees hold with Federline Inc.?

4) How many hours does the placement of pay checks into envelopes normally involve? How many hours did the process take for the October 7, 1976 paychecks?

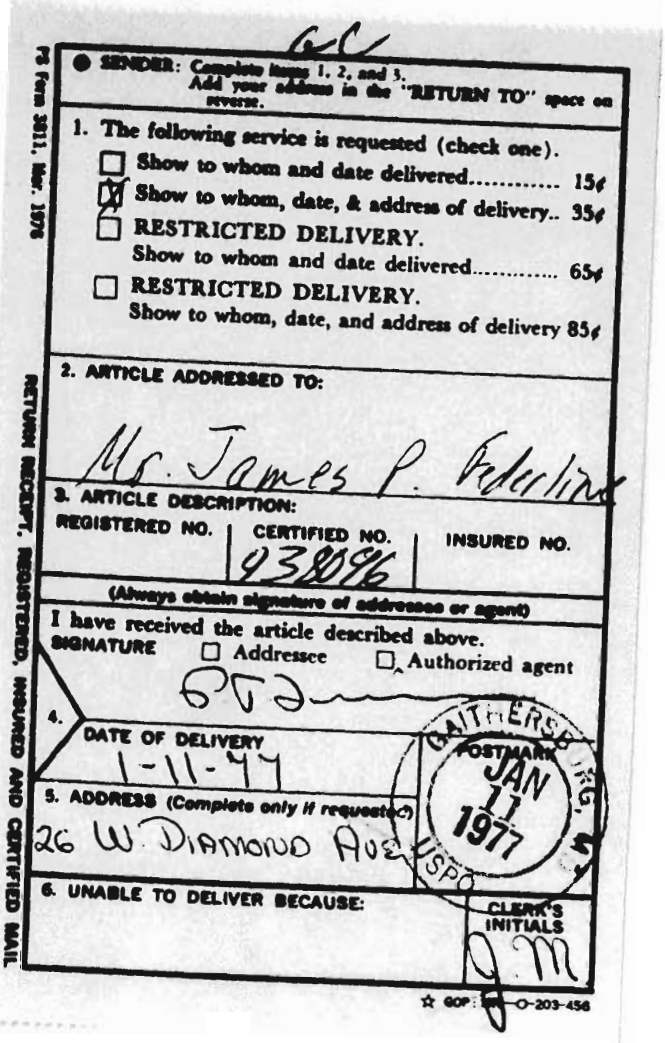
5) What arrangements were made with ABC for furnishing the brochures. Please furnish any correspondence which may have been included with the material upon its arrival at Federline, Inc.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 9 0 4 0 0 9 3 4 7 9

Your response should be submitted within five days after receipt of this letter. If you have any questions, please contact Kathryn Kavanagh (202/382-1047), the staff member assigned to this matter.

Sincerely yours,



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PS Form 3811, Mar. 1976

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- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY. Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY. Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr. James P. Federline

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 93896 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY 1-11-77

5. ADDRESS (Complete only if requested)
26 W. Diamond Ave

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GAITHERSBURG, MD. POSTMARK JAN 11 1977 USPO

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1976—O-203-456

7 9 0 4 1 0 0 9 3 4 3 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 274 (76)
James A. Federline, Inc.	)	

GENERAL COUNSEL'S REPORT

I. Summary

The MUR originated with a complaint, filed by a Federline employee, which alleged that the Respondent had disseminated a brochure in the pay envelopes of Federline Inc. employees. The brochure allegedly advocated the election of a clearly identified candidate.

On October 29, 1976 the Commission found reason to believe that there may have been a violation of 2 U.S.C. §441b, if the cost of the materials was incurred by the Respondent.

II. Evidence

1. The complainant submitted the advocatory material, which contrasted various positions of Ford and Carter, with Ford depicted in an advantageous light in each case. The brochure, the complainant stated, had been included with her paycheck of October 7, 1976 (Attachment A). All other

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

employees, known to the complainant, allegedly received the same.

2. The Respondent, in a notarized letter of November 30, 1976, asserted that "there were no costs incurred by my company in disseminating the brochure involved" (Attachment B). The material, he indicated, was obtained from Associated Builders and Contractors, Inc., a trade association.

III. Analysis

Since the investigation indicated that none of the costs for disseminating the brochure were incurred by the Respondent there is no basis for finding a violation of §441b.

There is a separate issue as to whether the costs incurred by ABC have been properly reported (this is unclear from their reports). However, this issue was not raised by the complainant and should be considered in the context of a separate analysis of the reports of the PAC.

IV. Recommendation

No reason to believe as to Federline; Close file, sending attached letters.

JOHN G. MURRAY, JR.
GENERAL COUNSEL

DATE: December 15, 1976

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

weren't sent

Ms. Kathleen Bergin
12000 Old Georgetown Rd.
Rockville, MD 20852

MUR 274 (76)

Dear Ms. Bergin:

This is to notify you that the Commission has voted to terminate its investigation in MUR 274. Accordingly, the Commission intends to close its files in this matter.

If further information comes to your attention which you believe establishes a claim on matters within the jurisdiction of the Federal Election Commission, please feel free to write and apprise me of them.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

7904009348 3

that the distribution was unlawful and James A. Federline, Inc. did not intend to violate any law by distributing the brochures.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline
President

STATE OF MARYLAND)
COUNTY OF Montgomery)

Subscribed and Sworn to before me this 30th day of November, 1976.

Notary Public Kathryn J. Harvey

My commission expires 7/21/78

JAF/tc

7904009346

James A. Federline, Inc.

November 30, 1976

HAND DELIVERED

783948

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Re: MUR274 (76)

Dear Mr. Murphy:

I am in receipt of your letter of November 1, 1976 requesting additional information in connection with the above-referenced case.

Please be advised as follows:

1. There were no costs incurred by my company in disseminating the brochure involved. The brochures were received without cost to the company and were placed in the envelopes containing paychecks simultaneously with the placement of the check in the envelope by the employee who normally performs this task.

2. The material was obtained from Associated Builders and Contractors, Inc., a construction trade association.

3. The brochure was distributed to all employees of the company who received pay envelopes on the 7th day of October, 1976.

4. The brochure was intended to be informational only and no attempt to coerce or dictate voter selection was made or intended by the distribution.

5. If the distribution constituted a violation of the Federal Election Campaign Laws, James A. Federline, Inc. did not know

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

7904009348 6

James A. Federline
President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, MD 20760

MUR 274 (76)

Dear Mr. Federline:

This is to advise you that the Commission has voted to terminate its investigation in MUR 274 (76). The Commission determined that there was no reason to believe that your company had violated §441b of the Federal Election Campaign Act of 1971, as amended, in distributing the brochures provided to you by Associated Builders and Contractors, Inc. Accordingly, the Commission intends to close its file in this matter.

A copy of the Commission's determination and the General Counsel's report is enclosed for your information. If you have any questions, please contact Kathryn Kavanagh (202/382-1047), the staff member assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosure

James A. Federline, Inc.

MUR 274

FEDERAL ELECTION COMMISSION

'76 NOV 30 PM 3:33

November 30, 1976

HAND DELIVERED

763948

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Re: MUR274 (76)

Dear Mr. Murphy:

I am in receipt of your letter of November 1, 1976 requesting additional information in connection with the above-referenced case.

Please be advised as follows:

1. There were no costs incurred by my company in disseminating the brochure involved. The brochures were received without cost to the company and were placed in the envelopes containing paychecks simultaneously with the placement of the check in the envelope by the employee who normally performs this task.

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5. If the distribution constituted a violation of the Federal Election Campaign Laws, James A. Federline, Inc. did not know

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

that the distribution was unlawful and James A. Federline, Inc. did not intend to violate any law by distributing the brochures.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline
President

STATE OF MARYLAND)
COUNTY OF Montgomery)

Subscribed and Sworn to before me this 30th day of November, 1976.

Notary Public Kathryn J Harvey

My commission expires 7/31/78

JAF/tc

7 0 0 4 0 0 9 3 4 8 8

James A. Federline, Inc.

FEDERAL ELECTION COMMISSION

'79 NOV 30 PM 1:33

HAND DELIVERED

John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Central Delivery

26 W. Diamond Avenue, Gaithersburg, Maryland 20760

Nov. 15, 1976

Mr. James A. Federline
President
James A. Federline, Inc.
36 W. Diamond Avenue
Gaithersburg, MD 20760

Re: MUR 274 (76)

Dear Mr. Federline:

This is in response to your letter of November 9, 1976.

As I explained to you in my letter of November 1, 1976, the Commission has found reason to believe that there may be a violation of 2 U.S.C. §441b which prohibits corporations from making contributions or expenditures in connection with Federal elections. The material which your employees found in their paychecks, if distributed, at the expense of Federline, Inc., could represent such an expenditure.

In order to facilitate our investigation of this matter, please answer, in writing and sworn where possible, the following questions: What costs were incurred by your company in disseminating the brochure involved? If the material did not originate with your organization, from what source was it obtained? To whom was the brochure distributed? Please submit this information, and any other information you deem relevant within five days.

Sincerely yours,

/s/

John G. Murphy, Jr.
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7904009349O

RE 968
MUR 274

James A. Federline, Inc.

RECEIVED
FEDERAL ELECTION
COMMISSION

'76 NOV 10 AM 10:16

November 9, 1976

763535

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, Northwest
Washington, D. C. 20463

Re: MUR 274 (76)

Dear Mr. Murphy:

Thank you for the opportunity to explain in writing the facts relating to an inquiry (MUR 274 (76) by your office which involves this company.

To give you some background, James A. Federline, Inc. is a plumbing and heating contracting firm. I think it's noteworthy that most of my employees have been with the firm for several years. As their employer, I feel I have a commitment to keep them informed with respect to the company's growth, progress, problems and matters of general interest to them. It was in this latter vein that I decided to provide them with information, to the extent that I legally could, relative to the national elections.

To be more specific, the information I provided compared the positions of the two major candidates on various issues. I felt that the information presented was information that was readily available through newspapers, television and various journals. Some of the subjects covered the construction industry and others did not. I understood this kind of action was permissible under the Federal Election laws provided the information did not favor one candidate over the other. Since this information reflected the acknowledged positions of the candidates as presented in the above mentioned media, I concluded that I could legally give this information to my employees. As Ms. Kavanagh suggested to me, the use of the words "could affect your job" could raise some questions as to my intent. I want to assure the Commission that it was never my intention to coerce any employee into voting for one candidate or to threaten him

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

with his job. The use of the phrase "your job" clearly meant to me that collectively jobs in the construction industry could be affected by the outcome of the campaign. Along these lines, I purposely did not enclose a cover letter with the brochure because I did not feel it would be proper or moral to influence my employees in their vote.

I trust that the above satisfactorily relates to you the circumstances surrounding the above-referenced complaint.

Sincerely,

JAMES A. FEDERLINE, INC.

James A. Federline

James A. Federline
President

JAF/tc

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James A. Federline, Inc.

FEDERAL ELECTION COMMISSION

'76 NOV 10 AM 10:15

U.S. POSTAGE 9.6

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 "K" Street, Northwest
Washington, D. C. 20463

CERTIFIED
No. 888208
MAIL

26 W. Diamond Avenue, Gaithersburg, Maryland 20760

Kathy

FEDERAL ELECTION COMMISSION

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

1 NOV 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James A. Federline
James A. Federline, Inc.
26 W. Diamond Ave.
Gaithersburg, MD

Re: MUR 274 (76)

Dear Mr. Federline:

This is to notify you that the Federal Election Commission has received a complaint, which we have numbered MUR 274, involving a brochure entitled "Notice of Federal Election" which was allegedly distributed to Federline employees with their pay checks. Upon review of the complaint, the Commission has found reason to believe that there is a violation of 2 U.S.C. §441b of the Federal Election Campaign Laws. A copy of the complaint is enclosed herewith.

2 U.S.C. §441b prohibits corporations from making contributions or expenditures in connection with Federal elections. The section exempts, however, "communications by a corporation to its stockholders and executive and administrative personnel and their families." In this regard, please advise the Commission which personnel received the brochure. Under the Act the Commission must consider all complaints expeditiously; accordingly, please submit this information and any other information you deem relevant within ten days.

For your information, we have enclosed a copy of the Federal Election Campaign Laws and the Commission's proposed regulations. Also included are reporting and registration forms which you might require.

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

If you have any questions, please contact us. The staff member assigned to this case is Kathryn Kavanagh (telephone no. 202/382-1047).

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

7004009345

Kathy

FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

1 NOV 1976

Ms. Kathleen Bergin
12000 Old Georgetown Rd.
Rockville, MD 20852

Re: MUR 274 (76)

Dear Ms. Bergin:

We have completed a preliminary review of your complaint and have numbered it as MUR 274. Please refer to this number in any further correspondence.

If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter. In particular we would like to know if the brochure was received by persons other than administrative and executive personnel.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The staff member assigned to this matter is Kathryn Kavanagh (telephone no. 202/382-1047). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

I received - see work
sheet

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P 590 384 927

PS Form 3811, Mar. 1974

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO:

Ms Kathleen Bergin

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438259	

(Always obtain signature of addressee or agent)

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

4. Kathleen A. Bergin
DATE OF DELIVERY

ROCKVILLE, MARYLAND STA. NOV 2 1976

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆ GPO: 1976—O-203-456

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
James A. Federline, Inc.) MUR 274 (76)

CERTIFICATIONS

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 29, 1976, the Commission adopted the recommendation of the General Counsel to find Reason to Believe a violation of 2 U.S.C. §441b(b)(2)(A) had been committed in the above-captioned matter.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7004009348

OCTOBER 29, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS mwe

RE: MUR 274 (76) and MUR 275 (76)

The above mentioned MURs were transmitted to the Commission on October 28, 1976 at 10:00 a.m.

As of 3:30 p.m. on October 29, 1976, no objections had been received on these MURs.

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DATE AND TIME OF TRANSMITTAL: 10-28-76 9:30

NO. MUR 274

REC'D: 10/12/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Kathleen Bergin (notarized)

Respondent's Name: James A. Federline, Inc.

Relevant Statute: 441b

Internal Reports Checked: files; no record of Federline, Inc.

Federal Agencies Checked:

SUMMARY OF ALLEGATION

1) Complainant alleges that a brochure, advocating the election of a clearly identified candidate, was disseminated in pay envelopes of her employer, respondent herein. The material indicates a possible 441b violation.

2) Complainant alleges that the material lacks acknowledgement of source and authorization.

PRELIMINARY LEGAL ANALYSIS

1) While unclear, it appears that the brochure was received by all employees; thus, there is reason to believe that the respondent, in communicating with non-executive and administrative personnel, has made a corporate expenditure in violation of §441b(b)(2)(A).

2) The brochure was transmitted through private rather than public channels and, therefore, does not appear to fall within of the reach of §441d.

RECOMMENDATION

Find reason to believe a violation of §441b(b)(2)(A) has been committed; send attached letters.

Date of Next Commission Review:

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 274 (76)
James A. Federline, Inc.)

GENERAL COUNSEL'S REPORT

I. Summary

The MUR originated with a complaint, filed by a Federline employee, which alleged that the Respondent had disseminated a brochure in the pay envelopes of Federline Inc. employees. The brochure allegedly advocated the election of a clearly identified candidate.

On October 29, 1976 the Commission found reason to believe that there may have been a violation of 2 U.S.C. §441b, if the cost of the materials was incurred by the Respondent.

II. Evidence

1. The complainant submitted the advocatory material, which contrasted various positions of Ford and Carter, with Ford depicted in an advantageous light in each case. The brochure, the complainant stated, had been included with her paycheck of October 7, 1976 (Attachment A). All other

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employees, known to the complainant, allegedly received the same.

2. The Respondent, in a notarized letter of November 30, 1976, asserted that "there were no costs incurred by my company in disseminating the brochure involved" (Attachment B). The material, he indicated, was obtained from Associated Builders and Contractors, Inc., a trade association.

III. Analysis

Since the investigation indicated that none of the costs for disseminating the brochure were incurred by the Respondent there is no basis for finding a violation of §441b.

There is a separate issue as to whether the costs incurred by ABC have been properly reported (this is unclear from their reports). However, this issue was not raised by the complainant and should be considered in the context of a separate analysis of the reports of the PAC.

IV. Recommendation

No reason to believe as to Federline; Close file, sending attached letters.

JOHN G. MURPHY, JR.
GENERAL COUNSEL

DATE:

employees, known to the complainant, allegedly received the same.

2. The Respondent, in a notarized letter of November 30, 1976, asserted that "there were no costs incurred by my company in disseminating the brochure involved" (Attachment B). The material, he indicated, was obtained from Associated Builders and Contractors, Inc., a trade association.

III. Analysis

Since the investigation indicated that none of the costs for disseminating the brochure were incurred by the Respondent there is no basis for finding a violation of §441b.

There is a separate issue as to whether the costs incurred by ABC have been properly reported (this is unclear from their reports). However, this issue was not raised by the complainant and should be considered in the context of a separate analysis of the reports of the PAC.

IV. Recommendation

No reason to believe as to Federline; Close file, sending attached letters.

JOHN G. MURPHY, JR.
GENERAL COUNSEL

DATE: _____

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

James A. Federline
President
James A. Federline, Inc.
26 W. Diamond Avenue
Gaithersburg, MD 20760

MUR 274 (76)

Dear Mr. Federline:

This is to advise you that the Commission has voted to terminate its investigation in MUR 274 (76). The Commission determined that there was no reason to believe that your company had violated §441b of the Federal Election Campaign Act of 1971, as amended, in distributing the brochures provided to you by Associated Builders and Contractors, Inc. Accordingly, the Commission intends to close its file in this matter.

A copy of the Commission's determination and the General Counsel's report is enclosed for your information. If you have any questions, please contact Kathryn Kavanagh (202/382-1047), the staff member assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Ms. Kathleen Bergin
12000 Old Georgetown Rd.
Rockville, MD 20852

MUR 274 (76)

Dear Ms. Bergin:

This is to notify you that the Commission has voted to terminate its investigation in MUR 274. Accordingly, the Commission intends to close its files in this matter.

If further information comes to your attention which you believe establishes a claim on matters within the jurisdiction of the Federal Election Commission, please feel free to write and apprise me of them.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

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19 OCT 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Kathleen Bergin
12000 Old Georgetown Rd.
Rockville, MD 20852

Re: MUR 27[illegible] (76)

Dear Ms. Bergin:

This is to acknowledge receipt of your complaint of October 7, 1976, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

"Signed"

William C. Oldaker
Assistant General Counsel

Enclosure
KKavanagh:pjg:10/18/76
CC: Chron file
MUNR file
KK

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MUR 274

Kathleen Bergin
12000 Old Georgetown Rd.
Rockville, Md. 20852
October 7, 1976

Mr. Ben Van De Grift
Federal Election Committee
1723 K St., N.W.
Washington, D.C. 20005

76278?

Dear Sir:

Per your instructions, I am forwarding the following sworn statement and accompanying exhibit entitled "Notice of Federal Election." I solicit your assistance and guidance.

I, Kathleen Bergin, do solemnly swear to the following statements:

1. I am employed by James A. Federline, Inc.
26 West Diamond Ave.
Gaithersburg, Md., a mechanical contractor.

2. I received the attached exhibit entitled "Notice of Federal Election" in my pay envelope on the seventh day of October, 1976 with no other explanation, letter, or verbal statement. All employees in the company, known to me, received the same material.

3. I found the material scurrilous, offensive, and coercive.

4. I am concerned by the heading "...that could affect your job.." as an attempt, by my employer, to dictate my vote in the forthcoming federal election.

5. I feel that the material should acknowledge the source and author, as is required by law.

Kathleen Bergin
Signature

Oct. 7, 1976
Date

Mary C. Minges
Notary Public

My commission expires July 1, 1978

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

NOTICE OF FEDERAL ELECTION

ELECTION ISSUES THAT COULD AFFECT YOUR JOB . . .

WHO IS FOR . . . WHO IS AGAINST . . .

WHAT IT MEANS TO YOU.

1. **LEGALIZATION OF SECONDARY BOYCOTTS** AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Legalization of currently illegal secondary boycotts (common situs picketing) will result in greater construction unemployment. It will transfer local power to the big labor bureaucracy in Washington. It will hurt economic recovery in construction.
2. **INCREASED FEDERAL DEFICIT** AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	While both candidates say they would seek a balanced budget, Liberals and Carter have placed costly spending programs into the party platform. Carter is Committed to the platform. President Ford has shown by positive action that he will not approve programs that will further increase the national debt and income taxes.
3. **DAVIS-BACON ACT REFORMS** FOR: PRESIDENT FORD NO POSITION: CARTER	The Davis-Bacon Act forces the Federal Government to cut back on construction projects because they must pay more to build. President Ford is working to free up construction projects to create more jobs by reforming the wasteful Davis-Bacon Act.
4. **FORCED BUSING** AGAINST: PRESIDENT FORD FOR: JIMMY CARTER	Forced busing disrupts the family unit by taking children away in the early morning and returning them in the late evening, without achieving the quality education everyone wants for their children. Supporters of forced busing ignore its inherent costs and child disorientations. Opponents of forced busing want to achieve quality education within the neighborhood school system.

5. **FEDERAL AID TO NEW YORK CITY**
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

The Carter platform calls for spending federal tax dollars to bail out New York City. President Ford believes New York City, and other cities, should support themselves, not be supported by taxpayers in other states through Federal spending programs.

6. **POST CARD VOTER REGISTRATION**
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

It is feared that post card voter registration will lead to ballot box stuffing and fraud in Federal elections. This issue is included in the Carter platform to satisfy big city political machines.

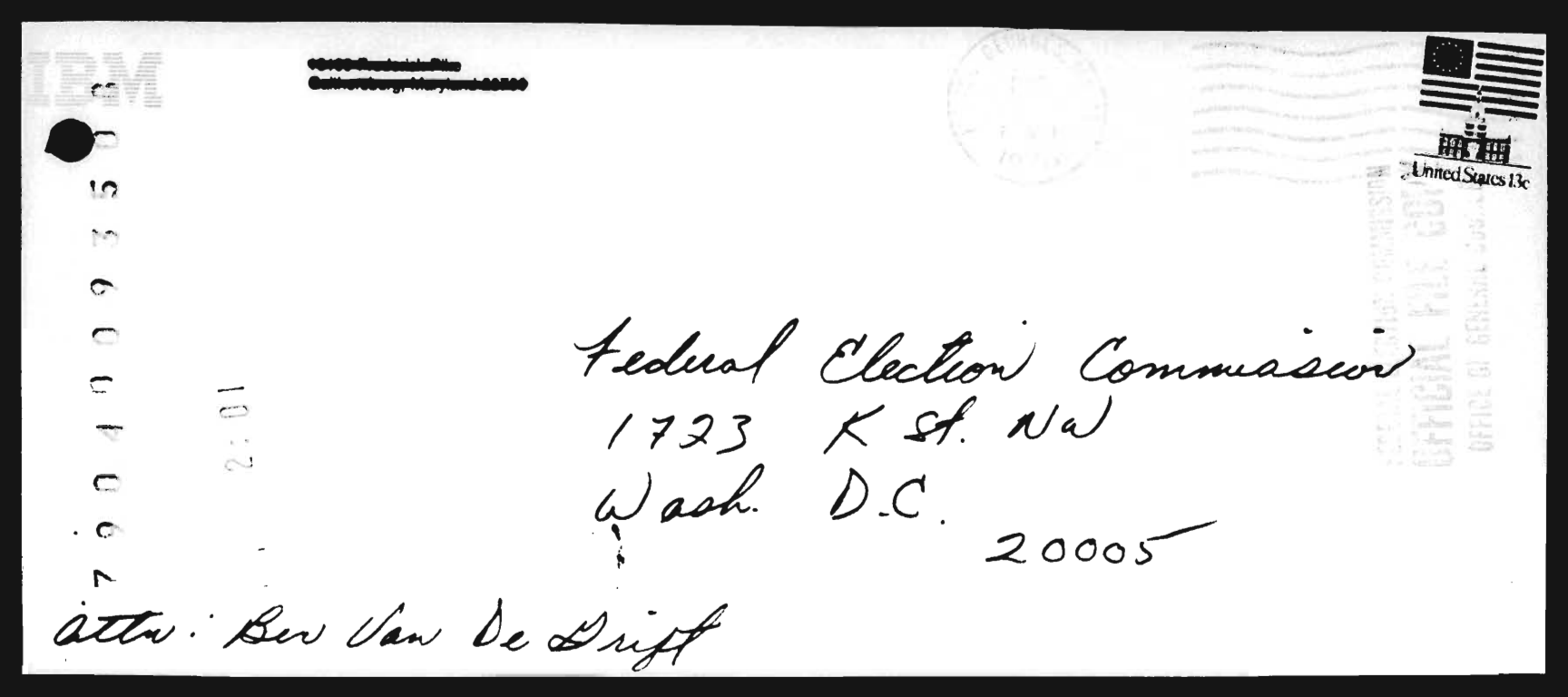
7. **GOVERNMENT PLANNED & CONTROLLED ECONOMY**
AGAINST: PRESIDENT FORD
FOR: JIMMY CARTER

Federal bureaucracy guarantees to provide government alloted "Make Work" jobs to be paid for by taxpayers who are gainfully employed through their own efforts and performance. Government subsidy for "Make Work" programs is supported by the Carter platform. The Ford platform calls for stimulating expansion of private industry to create permanent jobs and to train or re-train employees.

8. **WORKING PERSONS' RIGHT TO DETERMINE LABOR AFFILIATION**
FOR: PRESIDENT FORD
AGAINST: JIMMY CARTER

Currently Section 14 (b) of the Taft-Hartley Act allows states to determine for themselves whether their residents may work without the requirement to join a labor organization (commonly called right to work). The Carter platform gives that determination to the federal government in Washington. President Ford believes that states should continue to have this responsibility, closer to the people.

YOU HAVE TO REGISTER TO VOTE!!
YOUR VOTE COULD MEAN CONSTRUCTION JOBS!!


IBM
United States 13c
Federal Election Commission
1723 K St. NW
Wash. D.C.
20005
attn: Ben Van De Drift

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 274

Date Filmed 1/25/79 Camera No. --- 2

Cameraman GPC