



FEDERAL ELECTION COMMISSION

125 K STREET N.W.
WASHINGTON, D.C. 20541

THIS IS THE END OF TOUR # 310

Date Filmed _____ Camera No. --- 2

Cameraman _____

31040233195

FEDERAL ELECTION COMMISSION

Deleted comments of J. D. Aikens on

tally sheet dated 4-5-77.

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
Deliberative matter | |

Signed

Vincent Glonant

date

2-12-81

FEC 9-21-77

31040233196



FEDERAL ELECTION COMMISSION

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

February 9, 1978

Put in MUR 310 file

MEMORANDUM FOR THE RECORD

FROM: Joyce Thomann

SUBJECT: Telephone Call Regarding MUR 310(76)

At approximately 3:45 p.m., Thursday, February 9, 1978, the Aikens office received a telephone call from a Mr. Bob Grant identifying himself as being from New Jersey. He went on to inform me that he had filed a complaint on October 19, 1976 which had been numbered MUR 310(76) and since that time had contacted the Commission on 15 separate occasions, "according to my notes" in an attempt to ascertain the status of the complaint which he had filed; each time being told it was pending. He advised me that he had last talked to a Mr. Vincent Convery on October 31, 1977 and was told that his complaint was "still pending."

I advised him that I was totally unaware of the matter he was discussing and asked him why he had called Commissioner Aikens' Office. He said, "She's the Vice Chairman of the Commission and I have been trying to call the Chairman but haven't been able to get an answer." I told him that the Chairman was temporarily without secretarial help.

He asked me what the Commission intended to do on his complaint and what he could do about making the Commission act.

I suggested that he contact Mr. William C. Oldaker, our General Counsel. He said, "I've got a letter here signed by Mr. John G. Murphy, Jr., General Counsel, who is this William Oldaker?" I advised him that Mr. Oldaker had succeeded Mr. Murphy and then transferred his call pursuant to his request to Mr. Oldaker's telephone number.

:jet

→ c: William C. Oldaker,
General Counsel

91040233197

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM Committee)

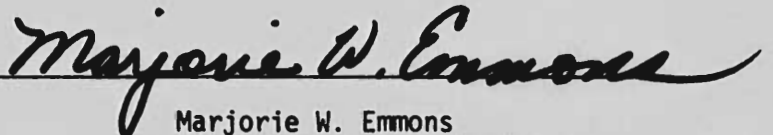
MUR 310 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 23, 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 take the following actions as recommended by the General Counsel in the above-captioned matter:

1. Find probable cause to believe that NJTRIM has violated Sections 434(e) and 441d of the Federal Election Campaign Act.
2. Authorize the institution of a civil action pursuant to 2 U.S.C. Section 437g(a)(5)(B).

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



Marjorie W. Emmons
Secretary to the Commission

DATED: February 24, 1978

81010233199

BEFORE THE FEDERAL ELECTION COMMISSION
February 16, 1978

In the Matter of)
)
Northwest Jersey TRIM Committee) MUR 310 (76)

GENERAL COUNSEL'S REPORT

On October 19, 1977, the Commission found reasonable cause to believe that the Northwest Jersey TRIM (Tax Reform Immediately) Committee violated Sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended. The facts supporting those findings were set forth in our October 10, 1977, General Counsel's Report.

By letter dated October 26, 1977, James J. Hogan, Chairman of NJTRIM was informed of the Commission's findings. A proposed conciliation agreement was attached to that letter.

Mr. Hogan telephoned the Office of General Counsel on November 25, 1977. Substantially, he indicated that he had ceased to function as NJTRIM's Chairman in the Summer of 1977, and identified a Mr. Adam Habuda as the individual who had succeeded him in that capacity. Mr. Hogan confirmed his telephone call, and reiterated the matters discussed therein, in a letter dated November 25, 1977.

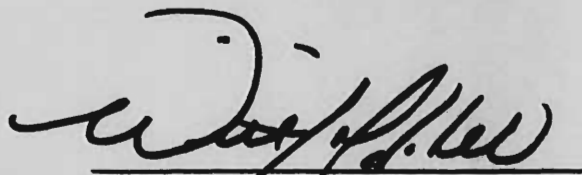
On December 2, 1977, Mr. Habuda contacted the Office of General Counsel and denied that he ever had functioned as NJTRIM's Chairman. He confirmed his telephone conversation in a letter of the same date.

On January 27, 1978, this office again wrote Mr. Hogan and informed him that he would be the party with whom the Commission would seek to conciliate. Mr. Hogan received the letter, and the additional conciliation agreement which was enclosed, on January 30, 1978.

RECOMMENDATION:

Inasmuch as Mr. Hogan has not responded to our efforts to conciliate the matter, we recommend that the Commission find probable cause to believe that NJTRIM has violated Sections 434(e) and 44ld of the Federal Election Campaign Act, and that the Commission authorize the institution of civil action pursuant to 2 U.S.C. §437g(a)(5)(B).

2/17/78
DATE


WILLIAM C. OLDAKER
GENERAL COUNSEL

81040233201



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 27, 1978

James J. Hogan
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310

Dear Mr. Hogan:

This will confirm your telephone conversation with Charles N. Steele of this office on November 25, 1977, and will acknowledge receipt of your letter of the same date.

You have identified Adam Habuda as the current Chairman of the Northwest Jersey TRIM Committee. However, Mr. Habuda has advised us that, although offered the position of Chairman, he never accepted it and has never functioned as such. He also indicated that NJTRIM was, in effect, deactivated as of June or July, 1977.

Inasmuch as you were serving as Chairman of NJTRIM at the time the violations under scrutiny in this matter occurred, it is with you the Commission would conciliate, and any agreement reached would have to be signed by you.

As I informed you in my letter of October 26, 1977, the Commission, having found reasonable cause to believe that violations of the Federal Election Campaign Act have occurred, has the duty to correct such violations by informal methods of conference, conciliation and persuasion, and must attempt to enter into a conciliation agreement. Enclosed is an additional copy of our proposed agreement.

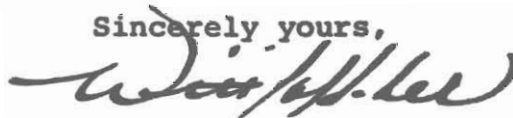
Please respond within fifteen days of your receipt of this letter.



- 2 -

Should you have any questions, please contact
Vincent J. Convery, Jr., the attorney assigned to this
matter, at 202-523-4057.

Sincerely yours,



William C. Oldaker
General Counsel

Enclosure



31040283203

December 13, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 310 Team #2 Convery

Please have the attached Interim Report on MUR 310 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of December 21, 1977.

Thank you.

3104023304

BEFORE THE FEDERAL ELECTION COMMISSION

December 9, 1977

In the Matter of)

Northwest Jersey Tax Reform)
Immediately (TRIM) Committee)

MUR 310 (76)

EXECUTIVE SESSION

INTERIM REPORT

DEC 21 1977

On October 19, 1977, the Commission found reasonable cause to believe that NJTRIM had violated Sections 434(e) and 441d of the Federal Election Campaign Act and authorized the conciliation of the matter. The respondent was advised of the findings by letter dated October 26, 1977. A proposed conciliation agreement was enclosed.

Since that time, some uncertainty has arisen as to exactly who is Chairman of NJRIM and who, consequently, is responsible for entering into conciliation in the name of the Committee. James J. Hogan, who throughout the course of this matter has been regarded as Chairman, recently advised us that he ceased to function in that office as of June or July, 1977.^{1/} However, the individual he identified as being the current Chairman, Adam Habuda, contacted us and denied that he ever had acceded to that position. Mr. Habuda indicated that he would return the proposed conciliation agreement and other correspondence from the Commission which had been forwarded to him by Mr. Hogan.

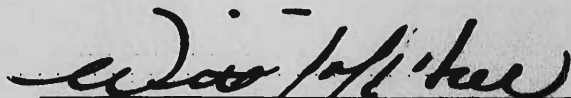
^{1/} We note that Mr. Hogan, in his letter of August 19, 1977, (which we received on September 12 and discussed in our October 10 report to the Commission), did not apprise us of any change in his status.

Additionally, certain matters of defense have been raised in MUR 386. That MUR, which involves issues identical to those under consideration here, is discussed in a separate report of this date.

In light of these developments, we are in the process of formulating further recommendations to the Commission.

Date

12/12/77

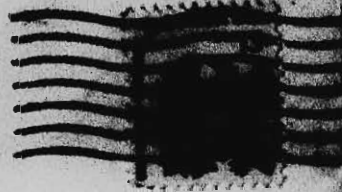

William C. Oldaker
General Counsel

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8 1 0 4 0 2 3 3 2 0
Adam Habyda
115 U.S. Route 46
Rumney, NJ 07866

RECEIVED
FEDERAL ELECTION
COMMISSION

77 DEC 9 AM 11:06



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

ATTN.: Mr. Convery

703598

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 DEC 9 AM 11:46

115 Route 46
Rockaway, New Jersey 07866
December 2, 1977

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

Attention: Mr. Convery

Dear Mr. Convery:

This is to confirm a telephone conversation that I had with you on this date in reference to the following items:

- (1) The Northwest New Jersey TRIM Committee, to the best of my knowledge, has not met since around June or July of 1977.
- (2) That I had only considered becoming Chairman and have not functioned in that capacity at a meeting.
- (3) I am not interested in becoming Chairman of the TRIM Committee, and I am officially going on the record as declining that position effective immediately.

I am enclosing papers that Mr. Hogan had sent to me to be returned to your office for they are of no interest to me. If I can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

Adam Habuda

Adam Habuda

AH/ch
Enclosures

cc: Mr. Ernest J. Brosang
Mr. John Robins

31040233209



FEDERAL ELECTION COMMISSION

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

November 25, 1977

MEMORANDUM TO: File - MUR 310 (76)

FROM: Charles N. Steele *UN*

SUBJECT: Telephone conversation with Mr. Hogan,
Northwest New Jersey TRIM

I received a call from Mr. Hogan today indicating that he had been removed from his office as President of Northwest New Jersey TRIM. He indicated that he had intended to sign the conciliation agreement in MUR 310 which had been forwarded to him by us, but that the national TRIM organization had decided that it did not wish to do that and had discontinued him as President, taking away all of his authority to sign checks.

Mr. Hogan was concerned as to whether his liability under the Federal Election Campaign Act was personal so that he should sign the agreement anyway or whether it should be given to his successor in office. I indicated that he should return the conciliation agreement to us with the name of the new President and that we would contact the President and go from there.

During the conversation, Mr. Hogan indicated that the basic reason that the conciliation agreement was not being signed and he was being removed from his Presidency of Northwest New Jersey TRIM was the feeling of the national TRIM organization that it wished to contest the underlying principles which the Commission's conciliation agreements embody in some form of court proceeding. Inasmuch as in this office we have discussed and are drafting a recommendation that there is reason to believe that the national TRIM organization is responsible for the material which the Commission has found to be advocating the defeat or election of candidates under the Federal Election Campaign Act, I indicated to Mr. Hogan that his responsibility would be terminated by his termination as President of the Northwest New Jersey TRIM organization. We should receive the letter from Mr. Hogan next week in time to incorporate it into our reason to believe recommendation to the Commission.



JAMES J. HOGAN
751 BROOKLYN - MTN. RD.
HOPATCONG, N. J. 07843

RECEIVED
FEDERAL ELECTION
COMMISSION

77 MAR 10 AM 10:51

MR. WILLIAM C. OLDAKER

GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

1325 K STREET N. W.

WASHINGTON, D. C. 20463

RETURN RECEIPT
REQUESTED

NO. 344298

ATTN:: MR. LESTER SCALL, A. G. C.

James J. Hogan
751 Brooklyn-Mountain Road
Hopatcong, N. J. 07843
25 November 1977

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street N. W.
Washington, D. C. 20463
Attn: Mr. Lester Scall, A.G.C.

703485

RE: MUR 310 (76)

Dear Mr. Scall,

This is to advise you of a telephone conversation that I had this morning with a Mr. Steele of your office. The items which we discussed are listed below.

1 - As of about June or July of 1977, I ceased to function as the Chairman of the Northwest Jersey TRIM Committee.

2 - Mr. Steele stated that the Federal Election Commission would want the current Committee Chairman to be the individual to sign the Conciliation Agreement as pertains to this case.

3 - The name and address of the current Chairman are:

Mr. Adam Habuda

115 U. S. Hwy # 46

Rockaway, N. J. 07866

4 - Mr. Steele also stated that there would be no problem in my requesting a letter from the F. E. C. stating that in view of this development that I am personally no longer liable for the actions that Mr. Habuda or the Committee may take in the future. I so request that such a letter be sent to me at this time.

5 - I am at this time forwarding to Mr. Habuda the copy of the

RECEIVED
FEDERAL ELECTION
COMMISSION

77 NOV 30 AM 1977

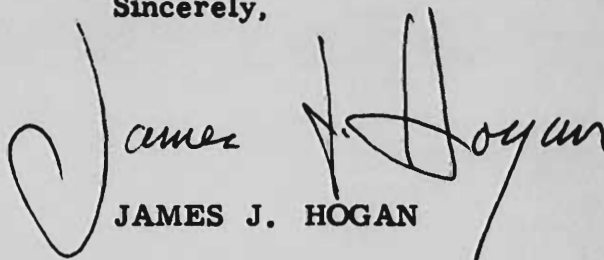
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Conciliation Agreement and a copy of this letter so that he may also be advised of the current situation.

It is my understanding that the F. E. C. will issue a new Conciliation Agreement which will be sent to Mr. Habuda and will have substituted his name in place of my own wherever it may appear. I would also request that the F. E. C. grant Mr. Habuda an additional period of time to study the Agreement since this matter will be relatively new to him.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,

James J. Hogan

JAMES J. HOGAN

Former Committee Chairman

81040233212

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM Committee) MUR 310 (76)

CONCILIATION AGREEMENT

This matter was initiated on the basis of a written complaint filed with the Federal Election Commission. An investigation has been conducted, and the Commission has found reasonable cause to believe that the respondent, Northwest Jersey TRIM (Tax Reform Immediately) Committee, violated Sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et seq.

Now, therefore, the Northwest Jersey TRIM Committee (hereinafter, NJTRIM) and the Federal Election Commission, the respective parties herein, having entered into conciliation pursuant to 2 U.S.C. §437g (a) (5) (A), do hereby agree to the following:

1. That the Federal Election Commission has jurisdiction over respondent NJTRIM and over the subject matter of this proceeding.
2. That the respondent NJTRIM has had reasonable opportunity to demonstrate that no action should be taken in this matter.
3. That the pertinent facts in this matter are as follows:
 - a. NJTRIM, an unincorporated organization maintaining offices at 751 Brooklyn-

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Mountain Road in Hopatcong, New Jersey,
is part of a national TRIM organization
headquartered in Belmont, Massachusetts.

- b. In or around late July, 1976, NJTRIM published a localized version of the TRIM Bulletin and distributed it to members of the general public. Among other things, the Bulletin contained an analysis of the voting record of U.S. Representative Helen Meyner, then a candidate for re-election from the Thirteenth District of New Jersey.
- c. This presentation of Representative Meyner's voting record constituted a communication expressly advocating the defeat of Representative Meyner.
- d. Section 44ld of Title 2, United States Code requires that any such communication must carry a clear and conspicuous statement which indicates whether the communication has, or has not, been authorized by a candidate, his political committee, or their agents. NJTRIM's publication did not contain such a statement.

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- 81040233215
- e. NJTRIM's expense in publishing the booklet amounted to \$195.00.
 - f. Section 434(e) of Title 2 United States Code requires every person who makes independent expenditures expressly advocating the election or defeat of a clearly identified candidate in an aggregate amount in excess of \$100 during a calendar year, to report those expenditures to the Commission. NJTRIM has not reported the cost of its booklet to the Commission.

WHEREFORE, respondent Northwest Jersey TRIM Committee, through its Chairman, James J. Hogan, agrees:

- 4. That respondent NJTRIM's failure to include in its July, 1976, TRIM Bulletin a statement as to whether the publication was authorized, or was not authorized, by a candidate, his committee or their agents, constituted a violation of 2 U.S.C. §44ld.
- 5. That respondent NJTRIM's failure to file with the Commission the report required by 2 U.S.C. §434(e) constituted a violation of that section.
- 6. That respondent NJTRIM, through its Chairman, James J. Hogan, will voluntarily testify before any Commission proceeding, or before any other

proceeding, in which the matters at issue herein are relevant.

7. That respondent NJTRIM will, now and in the future, comply in all respects with the Federal Election Campaign Act, 2 U.S.C. §431 et seq.
8. That respondent NJTRIM will pay to the Treasury of the United States a civil penalty in the amount of one hundred (\$100) dollars.

The Federal Election Commission and the Northwest Jersey TRIM Committee enter into this conciliation agreement under the following GENERAL CONDITIONS:

9. 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.
10. It is mutually agreed that this agreement shall become effective as of the moment that all parties hereto have executed same and the Commission has approved the entire agreement.

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11. It is agreed that respondent NJTRIM through its Chairman, James J. Hogan shall have thirty days from the effective date of this agreement to implement and comply with all requirements contained herein.

For Northwest Jersey TRIM Committee:

James J. Hogan
Chairman

Date

For the Federal Election Commission:

William C. Oldaker
General Counsel

Date

81040233217

PS Form 3811, May 1977

NEEDING RESORT; REQUISITE, INCREASED FOR SERVICE

2. ARTICLE ADDRESSED TO: James J. Hogan
NW Jersey TRIM. Cmte

Always attach signature of addressee or agent

4. DATE OF DELIVERY	POSTING
10-25-77	

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

☆ GPO : 197-0-226-000

8100318



FEDERAL ELECTION COMMISSION

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

October 26, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

This is to inform you that on October 19, 1977, the Commission found reasonable cause to believe that the Northwest Jersey TRIM Committee violated Sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

The Commission concluded that the NJTRIM booklet which contained an analysis of Representative Helen Meyner's voting record was a communication which expressly advocated her defeat. Consequently, the publication should have contained a statement as to whether it was authorized, or was not authorized, by any candidate, his committee, or their agents. 2 U.S.C. §441d. Since the cost of that publication was greater than \$100, it should have been reported to the Commission pursuant to 2 U.S.C. §434(e). The findings of reasonable cause to believe were based upon NJTRIM's failure to include the authorization statement and its failure to report the cost of the booklet to the Commission.

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



Should you decide to enter into this agreement, please sign the document and return it to this office. You will note that paragraph 8 of the proposed agreement provides for a civil penalty of \$100. Your check in that amount, made payable to the Treasury of the United States, is due within thirty days of the agreement's effective date.

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4057.

Sincerely yours,



William C. Oldaker
General Counsel

81040233220

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM Committee) MUR 310 (76)

CONCILIATION AGREEMENT

This matter was initiated on the basis of a written complaint filed with the Federal Election Commission. An investigation has been conducted, and the Commission has found reasonable cause to believe that the respondent, Northwest Jersey TRIM (Tax Reform Immediately) Committee, violated Sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431 et seq.

Now, therefore, the Northwest Jersey TRIM Committee (hereinafter, NJTRIM) and the Federal Election Commission, the respective parties herein, having entered into conciliation pursuant to 2 U.S.C. §437g (a) (5) (A), do hereby agree to the following:

1. That the Federal Election Commission has jurisdiction over respondent NJTRIM and over the subject matter of this proceeding.
2. That the respondent NJTRIM has had reasonable opportunity to demonstrate that no action should be taken in this matter.
3. That the pertinent facts in this matter are as follows:
 - a. NJTRIM, an unincorporated organization maintaining offices at 751 Brooklyn-

Mountain Road in Hopatcong, New Jersey,
is part of a national TRIM organization
headquartered in Belmont, Massachusetts.

- b. In or around late July, 1976, NJTRIM published a localized version of the TRIM Bulletin and distributed it to members of the general public. Among other things, the Bulletin contained an analysis of the voting record of U.S. Representative Helen Meyner, then a candidate for re-election from the Thirteenth District of New Jersey.
- c. This presentation of Representative Meyner's voting record constituted a communication expressly advocating the defeat of Representative Meyner.
- d. Section 44ld of Title 2, United States Code requires that any such communication must carry a clear and conspicuous statement which indicates whether the communication has, or has not, been authorized by a candidate, his political committee, or their agents. NJTRIM's publication did not contain such a statement.

- 810402333
- e. NJTRIM's expense in publishing the booklet amounted to \$195.00.
 - f. Section 434(e) of Title 2 United States Code requires every person who makes independent expenditures expressly advocating the election or defeat of a clearly identified candidate in an aggregate amount in excess of \$100 during a calendar year, to report those expenditures to the Commission. NJTRIM has not reported the cost of its booklet to the Commission.

WHEREFORE, respondent Northwest Jersey TRIM Committee, through its Chairman, James J. Hogan, agrees:

- 4. That respondent NJTRIM's failure to include in its July, 1976, TRIM Bulletin a statement as to whether the publication was authorized, or was not authorized, by a candidate, his committee or their agents, constituted a violation of 2 U.S.C. §441d.
- 5. That respondent NJTRIM's failure to file with the Commission the report required by 2 U.S.C. §434(e) constituted a violation of that section.
- 6. That respondent NJTRIM, through its Chairman, James J. Hogan, will voluntarily testify before any Commission proceeding, or before any other

proceeding, in which the matters at issue herein are relevant.

7. That respondent NJTRIM will, now and in the future, comply in all respects with the Federal Election Campaign Act, 2 U.S.C. §431 et seq.
8. That respondent NJTRIM will pay to the Treasury of the United States a civil penalty in the amount of one hundred (\$100) dollars.

The Federal Election Commission and the Northwest Jersey TRIM Committee enter into this conciliation agreement under the following GENERAL CONDITIONS:

9. 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.
10. It is mutually agreed that this agreement shall become effective as of the moment that all parties hereto have executed same and the Commission has approved the entire agreement.

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11. It is agreed that respondent NJTRIM through its Chairman, James J. Hogan shall have thirty days from the effective date of this agreement to implement and comply with all requirements contained herein.

For Northwest Jersey TRIM Committee:

James J. Hogan
Chairman

Date

For the Federal Election Commission:

William C. Oldaker
General Counsel

Date

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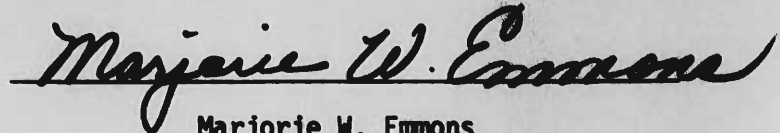
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Northwest Jersey TRIM Committee)

MUR 310 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 19, 1977, the Commission determined by a vote of 6-0 to find Reasonable Cause to Believe that NJTRIM has violated 2 U.S.C. Sections 434(e) and 441d and to enter into conciliation in this matter.



Marjorie W. Emmons
Secretary to the Commission

81040233226

Vinnie

102
D.H.

October 11, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 310 Team #2

Please have the attached General Counsel's Report on MUR 310 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of October 20, 1977.

Thank you.

81040233227

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM Committee) MUR 310 (76)

GENERAL COUNSEL'S REPORT

Background:

This matter originated with the filing of a complaint, on October 21, 1976, by Robert C. Grant against the Northwest Jersey TRIM (Tax Reform Immediately) Committee, (hereafter the Committee or NJTRIM). The complaint alleged that NJTRIM had published a brochure which advocated the defeat of a clearly identified candidate, but which did not include the "authorization" statement required by 2 U.S.C. §441d.

On December 21, 1976, the Commission found reason to believe that NJTRIM had violated the Federal Election Campaign Act. The basis for that finding was that the Committee had not filed a statement of organization pursuant to 2 U.S.C. §433; had not filed a statement of contributions or expenditures pursuant to 2 U.S.C. §434(e); and had not affixed to the booklet the statements required by 2 U.S.C. §441d.

By letter dated December 29, 1976, Mr. James J. Hogan, Chairman of the TRIM Committee, was advised of the finding and was invited to demonstrate that no action should be taken against the Committee. Specifically, he was requested to respond to a series of questions pertaining to the Committee and to the publication of the booklet.

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In a letter postmarked January 28, 1977, Mr. Hogan declined to answer the questions and stated that he would continue to do so until the FEC could demonstrate that a "definite violation" had occurred. This letter was received at the Commission on January 31, 1977.

On August 11, 1977, the Commission voted pursuant to 2 U.S.C. §437d(a)(1) to order the chairman of NJTRIM to answer a series of questions. The Commission's order was served on the respondent by U.S. Marshal on August 19, 1977. A response was received on September 12, 1977, a copy of which is attached.

Evidence:

The NJTRIM booklet is a four page publication containing articles attacking spending practices of the federal government which are perceived to be ~~be~~ wasteful and inflationary. The articles specifically criticize big government, federal jobs programs, deficit spending, federal regulatory agencies and the National Science Foundation.

The booklet devotes most of one page to a presentation of U.S. Representative Helen Meyner's voting record on six selected issues. Five of the votes concerned issues that specifically were attacked in the textual portion of the publication. Mrs. Meyner's record is set out in "boxscore" fashion and records her votes in such a way as to show, in each instance, that she voted for "higher taxes and more government."

In his reply to our inquiry, Mr. Hogan indicated that NJTRIM is a part of a national TRIM organization which is headquartered in Belmont, Massachusetts. That national organization is responsible for researching and preparing the data that appears in the TRIM

bulletin, including the analysis of voting records. The local TRIM Committee, of which there are approximately two hundred, is then supplied with a "photo-ready" copy of the bulletin and the analysis of the local representative's voting record. The local committee is charged with the responsibility of printing and distributing the "local" edition of the booklet.

According to Mr. Hogan, NJTRIM's expense in printing the bulletin was \$195.00. The bulletin was distributed to members of the general public by volunteers, at no cost to NJTRIM.

Finally, Mr. Hogan contends that the purpose of TRIM's booklet is to "educate the general public as to the wasteful spending policies of the federal government and the position of the local representative on the pertinent vote."

In responding to a Commission inquiry in MUR 386, which involves issues similar to those under consideration here, the Administrative Assistant to the National TRIM Headquarters has provided us with additional relevant information. In a letter dated September 2, 1977, Charles O. Mann stated that TRIM is a non-profit, educational organization which was founded several years ago as an ad hoc committee of the John Birch Society. Its purpose is to inform the American people of the need for lowering taxes through less government. It attempts to accomplish this purpose through a long-range, continuing educational program which includes the quarterly publication of a bulletin, the sponsorship of speakers, the showing of films, and the writing of letters.

Discussion:

NJTRIM's presentation of Representative Meyner's voting record clearly can be read as a communication which expressly advocates her defeat.

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The booklet, which was published in late summer, 1976, presented an analysis of Mrs. Meyner's record upon selected issues only. Her votes are presented in such a way as to show that she consistently votes "against" NJTRIM's position. The textual portion of the publication, and the short description of each issue in the "boxscore," clearly leave the reader with the impression that the selected votes affect him personally and that Mrs. Meyner has taken the "wrong" stand in every vote.

Mr. Hogan averred that NJTRIM is not affiliated with any political party, political committee, candidate, corporation or labor organization. It appears, then, that the \$195.00 spent by that committee to publish the bulletin constitutes an independent expenditure expressly advocating the defeat of Mrs. Meyner. See 2 U.S.C. §431(p). Such an expenditure must be reported to the Commission pursuant to 2 U.S.C. §434(e). NJTRIM has not reported the expenditure.

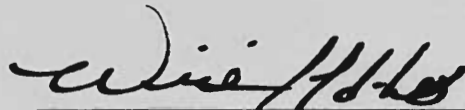
Furthermore, such a communication must clearly and conspicuously state either that it is authorized, or that it is not authorized, by a candidate, his authorized political committees, or their agents. 2 U.S.C. §44ld. No such statement appears on the publication now under consideration.

Recommendation:

Find Reasonable Cause to Believe that NJTRIM has violated 2 U.S.C. §434(e) and 44ld. Send attached letter and seek to conciliate the case.

10/10/77

Date



William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

This is to inform you that on October , 1977, the Commission found reasonable cause to believe that the Northwest Jersey TRIM Committee violated Sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §431, et seq.

The Commission concluded that the NJTRIM booklet which contained an analysis of Representative Helen Meyner's voting record was a communication which expressly advocated her defeat. Consequently, the publication should have contained a statement as to whether it was authorized, or was not authorized, by any candidate, his committee, or their agents. 2 U.S.C. §441d. Since the cost of that publication was greater than \$100, it should have been reported to the Commission pursuant to 2 U.S.C. §434(e). The findings of reasonable cause to believe were based upon NJTRIM's failure to include the authorization statement and its failure to report the cost of the booklet to the Commission.

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



Should you decide to enter into this agreement, please sign the document and return it to this office. You will note that paragraph 8 of the proposed agreement provides for a civil penalty of \$100. Your check in that amount, made payable to the Treasury of the United States, is due within thirty days of the agreement's effective date.

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4057.

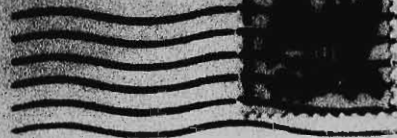
Sincerely yours,

William C. Oldaker
General Counsel

81040233233

ES 1 BUSH
SI BUSH - MTN. RD.
HOPATCONG, N. J. 07843

FEDERAL
COMMISSION



Mr. Lecter ^{AM 16} SEP 16, A.G.C.

Federal Election Commission

1325 K Street N.W.

Washington, D.C. 20463

ATTN: V. J. CONVERY, JR.

MURBIO

Sec #1428

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 SEP 12 AM 11:05

JAMES J. HOGAN

751 BIRN.-MTN. RD.

HOPATCONG, N.J. 07843

19 AUG. 77

MR. LESTER SCALL, A.G.C.

FEDERAL ELECTION COMM.

1325 K STREET N.W.

WASHINGTON, D.C. 20463

772650

Dear Sir;

Your letter of 16 Aug. 77 was just hand delivered by a U.S. Marshal. Enclosed is a copy of the questions asked and the responses follow.

Question #1 - N.W.J. TRIM is an unincorporated organization.

#2 - The purpose of TRIM is to educate the general public as to wasteful spending policies and practices of the federal government and the position of the local representative on the pertinent vote. As for planning and implementing policy, see question 3b.

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#3a. The Northwest Jersey TRIM Committee is not affiliated with any political party, political committee, candidate, corporation or labor organization.

#3b. The local TRIM committee is a part of a national organization. This organization is TRIM, 395 Concord Ave., Belmont, Mass. 02178 - Mr. Robert Gilham, National Chairman. The national organization is responsible for planning and implementing general policy for all local committees.

#4. The national organization named above has sole responsibility for preparing a photo-ready copy of the TRIM bulletin and the analysis of all voting records. The local committee has the responsibility of getting the copy printed in volume and distributed.

#5. The purpose of publishing and distributing the TRIM bulletin is to educate the general public as to the wasteful spending policies and practices of the federal government.

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#5 (cont.) - and the position of the local representative on the pertinent vote. This bulletin is not published only before an election, but quarterly each year.

#6 - I do not know the exact date of publication, but it was during the late summer of 1976. It was distributed to the general public without any distinction as to political affiliation.

#7 - The cost of researching and writing the TRIM bulletin was borne by the national organization and I do not have these figures available to me. The cost of printing the bulletin was \$195.00 for 10,000 copies. The cost of distribution for the bulletins was \$0 as it was done by volunteers.

#8 - TRIM bulletins are published quarterly, usually in January, April, July and October of each year.

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In addition I would like to make the following statement. Each quarterly TRIM bulletin that appears from the more than 200 local TRIM committees is identical to every other committee's publication for pages 1, 2 and 3. The fourth page contains several legislative issues and reflects the local representative's personal voting record. The way that the "scoreboard" appears on page 4 is solely the doing of that individual representative and not TRIM. The exact same issues are used by all 200 plus committees each quarter. If any representative, individual or group should take offense at the voting record on page 4, they should direct their feelings towards that representative and not TRIM.

Thank You,

James J. Hogan

U.S. MARSHALS SERVICE
PROCESS RECEIPT and RETURN

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHALS SERVICE" for details of the last (Rev. 8) copy of this form. Please print clearly, insuring readability of all copies. Do not attach any exhibits.

PLAINTIFF

FEDERAL ELECTION COMMISSION

COMMISSIONER

MUR 310 (76)

DEFENDANT

NORTHWEST JERSEY TRIM COMMITTEE

'76 SEP

TYPE OF WRIT(S)
7 AM ORDER

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
James J. Hogan



ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

751 Brooklyn - Mountain Road
Hopatcong, New Jersey 07843

772632

AT

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:

Federal Election Commission
ATTN: Vincent J. Convery, Jr.
Office of General Counsel
1325 K Street, N.W.
Washington, D.C. 20463

Number of writs to be served with this form-285

1

Number parties to be served in this case

1

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE:

Signature of Attorney or other Officer requesting service on behalf of:

Vincent J. Convery, Jr.

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER
202-523-4057

DATE
8/16/77

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

Acknowledge receipt for the total number of writs indicated (Sign only first USM 285 if more than one 285 is submitted)

Total Writs

District of Origin

District to Serve

Signature of Authorized USMS Deputy or Clerk

Date

8/19/77

I hereby certify and return that I ☒ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the writ described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

Name and title of individual served (if not shown above)

JAMES J. HOGAN -

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

8-19-77

1:45

pm

Signature of U.S. Marshal or Deputy

11/4

Forwarding Fee

1.00

Service Fee

3.00

Mileage (including endeavors)

5.40

Total

12.40

REMARKS:

81040233240

MUR 340

Complete items 1, 2, and 3.
Add your address in the "RETURN" space.

1. The following service is requested (check):

☒ Return to whom and date delivered.

☒ Return to whom, date, & address of delivery.

☐ RESTRICTED DELIVERY.
Return to whom and date delivered.

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

2. ARTICLE ASSIGNED TO:

Mr. Anthony G. Vitello

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO.

943877

(Please attach duplicate of address or name)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized Agent

DATE OF DELIVERY

AUG 19 1971

4. ADDRESS (Complete if registered)

BOX DIVISION

5. UNABLE TO DELIVER BECAUSE:

RECEIVED

★ 607-100-1000



FEDERAL ELECTION COMMISSION

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

August 16, 1977

Mr. Anthony G. Vitello
Chief Deputy
United States Marshal
P. O. Box 186
Newark, New Jersey 07101

Re: MUR 310 (76)

Dear Mr. Vitello:

We are requesting the assistance of your office in serving the enclosed order and questions upon James J. Hogan of 751 Brooklyn - Mountain Road, Hopatcong, New Jersey 07843.

Under 2 U.S.C. §437d(a)(1), the Commission is empowered to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe. Ordinarily, these orders are forwarded by certified mail. In this instance, Mr. Hogan informed us that he will not respond to the Commission's questions and then refused to accept delivery of a communication from this office.

In connection with this matter, you should be aware that 2 U.S.C. §437g(a)(3)(B) prohibits any person from making public the fact of any "notification or investigation" by the Commission until the person complained against agrees in writing to make public the investigation. Since this is a relatively new statute, I thought it would be helpful to call it to your attention.

Please send your return on service to the Federal Election Commission, Attn: Vincent J. Convery, Jr., Office of General Counsel, 1325 K Street, N.W., Washington, D. C. 20463. If you have any questions, please contact Mr. Convery at 202-523-4057.

Thank you for your assistance.

Sincerely,

Lester Scall
Assistant General Counsel



81040233241



FEDERAL ELECTION COMMISSION

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

August 16, 1977

Mr. James J. Hogan
Chairman, Northwest Jersey
TRIM Committee
751 Brooklyn - Mountain Road
Hopatcong, New Jersey 07843

RE: MUR 310 (76)

Dear Mr. Hogan:

This will acknowledge receipt on January 31, 1977,
of your undated response to our letter of December 29,
1976.

In our letter we advised you that the Commission
had found reason to believe that the Northwest Jersey
TRIM Committee had violated Sections 433, 434(e) and
441d of the Federal Election Campaign Act of 1971, as
amended, 2 U.S.C. §431 et seq. We requested you, as
Chairman of the Committee, to submit answers to a series
of questions relating to these possible violations.

In your response, you declined to answer any of
the questions and stated that you would continue to do
so until such time as we "would state a definite viola-
tion that has been committed."

Federal law provides that the Commission need
find only reason to believe that a violation has occurred
before initiating an investigation into that apparent vio-
lation. The Commission then is under a duty to afford the
respondent a reasonable opportunity to demonstrate that no
action should be taken against him.

Since you failed to take advantage of that oppor-
tunity, the Commission now orders you to answer the enclosed



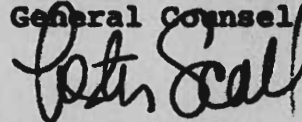
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questions. An Order issued pursuant to 2 U.S.C. 437d (a)(1) is attached. Should you fail to comply with the terms of this Order, appropriate enforcement action will be initiated in United States District Court.

The attorney assigned to this matter is Vincent J. Convery, Jr. Please contact him at 202-523-4057 if you have any questions.

Sincerely,

William C. Oldaker
General Counsel



Lester Scall
Assistant General Counsel

Enclosures

- (1) Order
- (2) List of Questions
- (3) Federal Election Campaign Laws,
June 1976
- (4) Rules and Regulations of
Federal Election Commission
(Federal Register, Vol. 41, No. 166,
August 25, 1976)

31040233243

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of
Northwest Jersey
TRIM Committee

)
) MUR 310 (76)
)
)

ORDER

To: Mr. James J. Hogan
Chairman, Northwest Jersey
TRIM Committee
751 Brooklyn - Mountain Road
Hopatcong, New Jersey 07843

PURSUANT to the authority set forth in Section 437d
(a)(1) of Title 2, United States Code, and in furtherance
of its investigation in the above-styled matter, the Federal
Election Commission hereby orders you to submit written
answers to the attached questions. The answers must be
submitted under oath within fifteen (15) days of your
receipt of this Order.

WHEREAS, the Vice Chairman of the Federal Election Com-
mission has hereunto set her hand at Washington, D.C., on
this, the 16th day of August, 1977.

Joan D. Aikens
JOAN D. AIKENS
VICE CHAIRMAN

ATTEST:

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

81040233244

QUESTIONS

1. How is NJTRIM organized (i.e., is it an incorporated membership organization, an unincorporated organization, etc.)?
2. What is the purpose of NJTRIM, and who are the individuals responsible for planning and implementing its general policy?
3. (a) Is NJTRIM affiliated with any political party, political committee, candidate, corporation or labor organization? If so, please give the name and address of the affiliate or affiliates. (See Section 100.14(c) on page 35937 of the Commission's Regulations for our definition of "affiliated," and see §431(b), (d) and (m) of Title 2, United States Code, located on pages 1 thru 7 of the Federal Election Campaign Laws, for our definitions of "political party," "political committee," and "candidate". For your convenience, copies of the Commission's Regulations and the Federal Election Campaign Laws have been enclosed.)
(b) Is NJTRIM affiliated with, associated with, or a part of, a national TRIM organization? If so, please give the name and address of that organization.
4. Please identify by name and address the individual or individuals with responsibility for preparing the NJTRIM booklet*. Please specify the individual or individuals who had responsibility for preparing the analysis of Representative Helen Meyner's voting record.
5. What was NJTRIM's purpose in publishing and distributing the NJTRIM booklet?
6. What was the date of publication of the NJTRIM booklet and to whom was it distributed?
7. What was the cost of researching, writing, printing, and distributing the NJTRIM booklet?
8. Was the NJTRIM booklet the only publication of the NJTRIM Committee, or was it a part of a series of booklets? If there have been other booklets, please give the dates of their publication.

*References to the "NJTRIM booklet" refer to the undated NJTRIM booklet which contained an analysis of Representative Helen Meyner's voting record. A copy of this booklet accompanied the Commission's letter of December 29, 1976

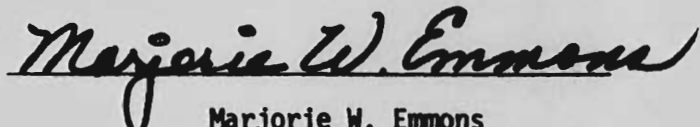
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM Committee)

MJR 310 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on August 11, 1977, the Commission determined by a vote of 4-0 pursuant to 2 U.S.C. Section 437d(a)(1) to order Mr. James J. Hogan to submit written answers to the questions set forth in the memorandum from the General Counsel dated July 29, 1977, in the above-captioned matter. Commissioners Aikens and Harris were not present at the time of the vote.


Marjorie W. Emmons
Secretary to the Commission

81040233246

August 4, 1977

MEMORANDUM TO: Marjorie Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 310(76)

Please have the attached Memorandum on MUR 310(76) distributed to the Commission and placed on the Compliance agenda for the Commission meeting of August 11, 1977.

Thank you.

81040233247

July 29, 1977

MEMORANDUM TO: THE COMMISSION
FROM: WILLIAM C. OLDAKER *WCO*
SUBJECT: MUR 310(76)

The processing of this matter has been stalled as a result of clerical error and misinterpretation as to the action that had been taken by the Commission. We will trace the developments in this processing, and propose a course of action which should serve to re-activate the investigation.

BACKGROUND

On December 21, 1976, the Commission found reason to believe that the Northwest Jersey TRIM Committee (Tax Reform Immediately) had violated the Federal Election Campaign Act. The basis for that finding was that the Committee, which had published a booklet which appeared to advocate the defeat of a clearly identified federal candidate, had not filed a statement of organization pursuant to 2 U.S.C. §433; had not filed a statement of contributions or expenditures pursuant to 2 U.S.C. §434(e); and had not affixed to the booklet the statements required by 2 U.S.C. §441d.

By letter dated December 29, 1976, Mr. James J. Hogan, Chairman of the TRIM Committee, was advised of the finding and was invited to demonstrate that no action should be taken against the Committee. Specifically, he was requested to respond to a series of questions pertaining to the Committee and to the publication of the booklet.

In a letter postmarked January 28, 1977, Mr. Hogan declined to answer the questions and stated that he would continue to do so until the FEC could demonstrate that a "definite violation" had occurred. This letter was received at the Commission on January 31, 1977. As a result of certain administrative errors, the matter, in effect, has not proceeded beyond this point.

On or about February 18, 1977, this office submitted a memorandum which recommended that the Commission exercise its authority under 2 U.S.C. §437d(a)(1) and order Mr. Hogan to respond to the questions. Apparently, it was intended that this memo be circulated on a "no-objection" basis; in fact

it was circulated on an "informational" basis. Consequently, a vote was never taken as to whether the order should issue. However, by letter dated March 3, 1977, this office attempted to inform Mr. Hogan that he had been ordered and required to answer an attached list of questions relating to the investigation. The package was returned unclaimed. Subsequent communications with local postal authorities established that Mr. Hogan had refused to accept delivery.

RECOMMENDATION

This matter cannot be resolved until the Commission is provided with information regarding TRIM and its publication of the booklet in question. Mr. Hogan appears to be unwilling to supply this information voluntarily. Therefore, we recommend that the Commission pursuant to 2 U.S.C. §437d(a)(1), order him to answer the attached questions.

31040233249

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 310 (76)
Northwest Jersey)
TRIM Committee)

ORDER

To: Mr. James J. Hogan
Chairman, Northwest Jersey
TRIM Committee
751 Brooklyn - Mountain Road
Hopatcong, New Jersey 07843

Pursuant to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation in the above - styled matter, the Federal Election Commission hereby orders you to submit written answers to the attached questions. The answers must be submitted under oath within fifteen (15) days of your receipt of this Order.

Whereas, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. on the day of July, 1977.

Thomas E. Harris
Chairman

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

81040233250

QUESTIONS

1. How is NJTRIM organized (i.e., is it an incorporated membership organization, an unincorporated organization, etc.)?
2. What is the purpose of NJTRIM, and who are the individuals responsible for planning and implementing its general policy?
3. (a) Is NJTRIM affiliated with any political party, political committee, candidate, corporation or labor organization? If so, please give the name and address of the affiliate or affiliates. (See Section 100.14(c) on page 35937 of the Commission's Regulations for our definition of "affiliated," and see §431(b), (d) and (m) of Title 2, United States Code, located on pages 1 thru 7 of the Federal Election Campaign Laws, for our definitions of "political party," "political committee," and "candidate". For your convenience, copies of the Commission's Regulations and the Federal Election Campaign Laws have been enclosed.)
(b) Is NJTRIM affiliated with, associated with, or a part of, a national TRIM organization? If so, please give the name and address of that organization.
4. Please identify by name and address the individual or individuals with responsibility for preparing the NJTRIM booklet*. Please specify the individual or individuals who had responsibility for preparing the analysis of Representative Helen Meyner's voting record.
5. What was NJTRIM's purpose in publishing and distributing the NJTRIM booklet?
6. What was the date of publication of the NJTRIM booklet and to whom was it distributed?
7. What was the cost of researching, writing, printing, and distributing the NJTRIM booklet?
8. Was the NJTRIM booklet the only publication of the NJTRIM Committee, or was it a part of a series of booklets? If there have been other booklets, please give the dates of their publication.

*References to the "NJTRIM booklet" refer to the undated NJTRIM booklet which contained an analysis of Representative Helen Meyner's voting record. A copy of this booklet accompanied the Commission's letter of December 29, 1976



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: Vincent J. Convery

THRU: Lester Scall

FROM: Bill Oldaker *Bill*

RE: MUR 310

DATE: June 29, 1977

Please prepare papers for enforcement of the 437d(a)(1) order.

Thank-You.



UNITED STATES POST OFFICE

HOPATCONG, N.J. 07843
FEDERAL ELECTION
COMMISSION

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, 5000



OFFICIAL BUSINESS

P-100

77 JUN

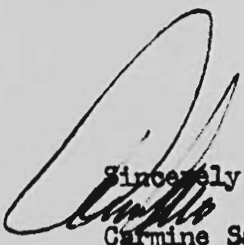
PM

1:15

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

Attn: David Anderson

81240233233

U. S. POSTAL SERVICE ROUTING SLIP		DEPT., OFFICE OR ROOM NO.	☐ APPROVAL ☐ SIGNATURE ☐ COMMENT ☐ SEE ME ☐ AS REQUESTED ☐ INFORMATION ☐ READ AND RETURN ☐ READ AND FILE ☐ NECESSARY ACTION ☐ INVESTIGATE ☐ RECOMMENDATION ☐ PREPARE REPLY
TO:	Mr David Anderson		
1			
2			
3			
4			
5			
FROM: Hopatecong, N.J. 07843		EXTENSION	
DATE 5-31-77		ROOM NO.	
REMARKS:			
Ref: your letter dated 5-26-77 certified letter # 438491 for James T. Hogan 751 Brooklyn Mt Rd Hopatecong, N.J. 07843 no one signed return receipt. Certified was returned to you as refused and return receipt was destroyed in error.  Sincerely Carmine Sarno Postmaster			

81040233235

6C MUR 31

1. 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.

2. ARTICLE ADDRESSED TO:

Sarno

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943219	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Address ☐ Authorized

4. DATE OF DELIVERY

5-31-77

5. ADDRESS (Complete only if requested)

POST OFFICE

6. UNABLE TO DELIVER BECAUSE:

file

26 MAY 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Carmine Sarno
Postmaster
U.S. Post Office
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Sarno:

On March 3, 1977 the Commission sent a package (certified no 438491) to 751 Brooklyn-Mountain Road which was returned on March 9, 1977 to the Commission unopened. The stamped Post Office explanation for the return stated that delivery had been refused. This was confirmed by the postal carrier, Richard Ays, in his letter of April 27, 1977.

The returned package did not contain the return receipt nor has the receipt been independently returned to us. Since it is important that we have a proper legal record of this matter, we request that you review your records to determine the action with regard to this receipt. In particular, we are interested in either receiving the receipt or learning whether the addressee (James T. Hogan) or his authorized agent signed the return receipt.

We would appreciate receiving a response on this matter within ten days of the receipt of this letter.

The attorney assigned to this case is David L. Anderson (telephone no. 202/523-4175). Please address all correspondence to him and contact him if you have any questions.

Sincerely yours,



William C. Oldaker
General Counsel

81040233256

MAY 25 1977

Mr. Richard Ays
Box 466
Hapatcong, New Jersey 07844

Re: MUR 310

Dear Mr. Ays:

Thank you for the information provided in
your letter of April 27, 1977.

I assure you that the Commission appreciates
your cooperation in this matter.

Sincerely yours,

/s/

Charles N. Steele
Associate General Counsel

DAnderson:dks:5/24/77

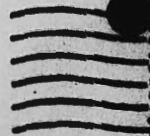
JA 5/24/77

81040233257

Box 466

HOPATCONG N.S.

07843



F-77 MAY 6 AM 1:59
F. E. C.

1325 K ST. NW

WASH. D.C. 20463

ATTN. CHARLES N. STEELE

1 MUR 310

4/22/77

RECEIVED ACC 378
FEDERAL ELECTION
COMMISSION

Dear Mr. Steele,

This is in response to your
letter of 4/19 concerning telephone
conversation with David Anderson
in regard to a Certified letter
to Mr. James Hogan of
Hopatcong.

As I told Mr. Anderson,
I attempted to deliver the
letter and Mr. Hogan refused
to accept it.

I have no political
connection with Mr. Hogan, and
I have no reason to lie to
Mr. Anderson. If my word
is not acceptable to you people

(2)

So be it.

I can tell you that Mr. Hogan saw whom the letter was from, mentioned

something about being sued for statements made by TRIM. & then refused to accept the letter.

As for not receiving the return receipt on the letter, you'll have to contact the P.O. in Hopatcong. They handle it when I return it to them.

Respectfully

Richard Ays.

U.S. P.O.

Hopatcong N.J.

file copy.

20 APR 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Richard Ays
U.S. Post Office
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Ays:

In a telephone conversation with David Anderson of this office on March 10, 1977, you stated that you attempted to deliver a package from the Federal Election Commission to 751 Brooklyn-Mountain Road, but that Mr. James T. Hogan refused to accept delivery.

In order that we may have a proper record of this matter, we request that you submit an affidavit (a signed, sworn, and notarized statement) answering the following:

- (1) State the date when you attempted to deliver this package (certified No. 638491) to 751 Brooklyn-Mountain Road.
- (2) Did you speak with Mr. Hogan concerning the delivery of the package?
- (3) Was delivery of the package refused? If so state who refused delivery.
- (4) State any reason given for the refusal.
- (5) The Commission has not received the return receipt which accompanied the package. Did the addressee or his authorized agent sign the return receipt? If so, state the name of the individual signing the receipt.

91040233251

- 2 -

Please submit this affidavit within five days of the receipt of this letter.

The attorney assigned to this case is David L. Anderson (telephone No. 202/382/4056). Please contact him if you have any questions.

Sincerely yours,

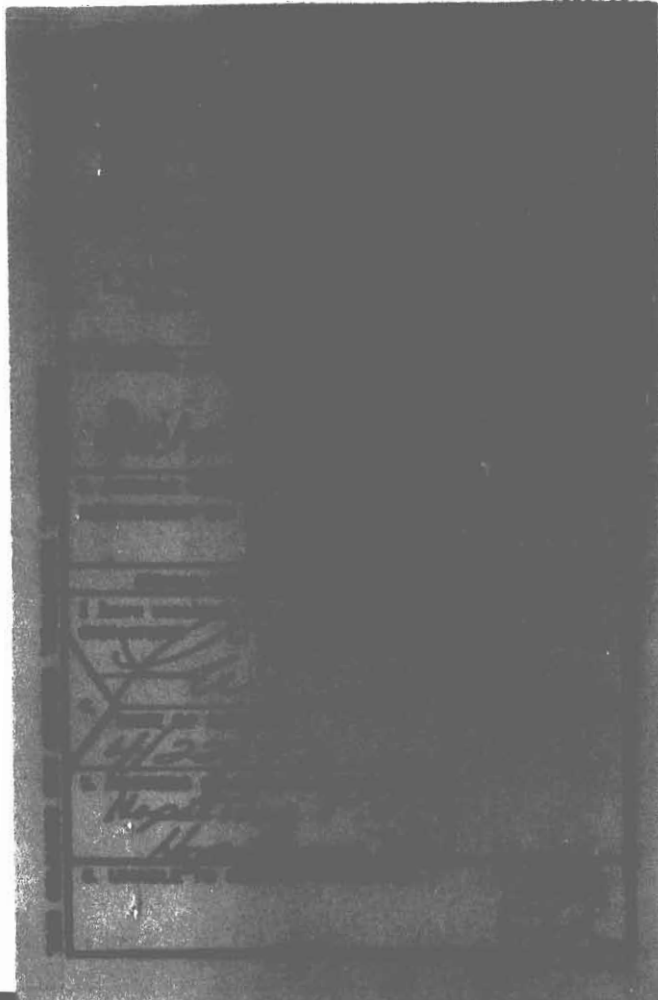
William C. Oldaker
General Counsel

Charles N. Steele
(Acting General Counsel)

DAnderson:dks:4/1/77

DKA 4/1/77

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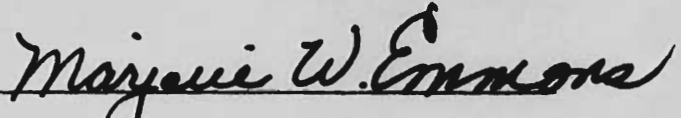
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Northwest Jersey TRIM)
Committee)

MUR 310 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 6, 1977, the Commission adopted the recommendation of the General Counsel that the letter attached to the General Counsel's Report, dated March 31, 1977, regarding MUR 310 (76), be sent.


Marjorie W. Emmons
Secretary to the Commission

31049273253

April 6, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *mwe*

RE: MUR 310 (76)

The above-mentioned document was transmitted to the Commissioners on April 4, 1977 at 9:30 a.m., on a "72-hour no objection basis", per your request, without realizing at the time that the request deviated from the established and approved procedure.

A "72-hour Circulation" requires the definite approval or objection of each Commissioner.

A "No-objection Basis Circulation" does not require the vote of the Commissioner unless he/she objects.

Since the General Counsel's Report, dated March 31, 1977, regarding MUR 310 (76), requested "on a no objection basis", I can reply that no objections have been received.

With regard to the fact that it was circulated on a 72-hour, green vote sheet, I have received the approval of five Commissioners.

Please note Commissioner Aikens' comments on her vote sheet, a copy of which is enclosed.

810403264



FEDERAL ELECTION COMMISSION

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

Date and Time Transmitted: 9:30 APR 4 1977

Commissioner Aiken

RETURN TO OFFICE OF COMMISSION SECRETARY BY: APRIL 7-9:30

MUR No. 310 (72)

(✓) I approve the recommendation

() I object to the recommendation

COMMENTS:

Date: 4/5/77

Signature: JH Aiken

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.



March 31, 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Northwest Jersey TRIM) MUR 310 (76)
Committee)

GENERAL COUNSEL'S REPORT

I. Background:

9 1 0 9 0 2 3 3 2 6 6
This matter involves the distribution of a booklet by
by Northwest Jersey TRIM (Tax Reform Immediately) Committee
(hereinafter "TRIM"). The Commission reviewed a copy of the
booklet and found reason to believe that a chart in the
booklet (which interpreted and rated Representative Helen
Meyner's votes on certain issues) may have constituted an
expenditure expressly advocating the defeat of a clearly
identified candidate, in violation of 2 U.S.C. §§433, 434(e)
and 441d.

On January 31, 1977, the Commission received a response
from James J. Hogan (the Chairman of TRIM) in which he stated
that he refused to answer any questions on the matter.
Accordingly, the Commission then authorized on a no objection
basis the issuance of an order pursuant to 2 U.S.C. §437d(a)(1),
which set forth 16 questions to be answered by Mr. Hogan,
or an appropriate agent of TRIM. This was sent on March 3,
1977. On March 9th, the order and letter were returned to the
Commission unopened. The stamped Post Office explanation for
the return stated that delivery had been refused. On March 10th,
this office contacted by telephone Dick Ays, an employee of the

U.S. Post Office in Hopatcong, New Jersey. Mr. Ays stated that he had attempted to deliver the Commission's package to 751 Brooklyn-Mountain Road, but that Mr. Hogan had refused to accept delivery.

II. Analysis:

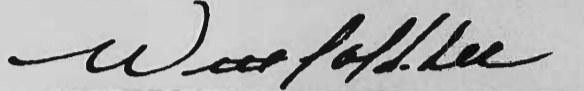
When a party refuses to receive or obey an order issued by the Commission, the appropriate remedy is for the agency to apply to a court for assistance. I.C.C. v Brimson, 154 U.S. 477 (1894). After a hearing, the court may issue an order under its own authority to enforce the Commission's order. 5 U.S.C. §1005 (5 U.S.C.A. §555(d)). The appropriate U.S. Marshall is then responsible for effecting service of the court's and Commission's orders. If the respondent still attempts to evade service or refuses to accept delivery after being informed of the nature of the papers, it is sufficient for the marshall to leave the papers in the respondent's physical proximity. Roth v W.T. Cowan, Inc., 96 F. Supp. 675, 677 (E.D.N.Y., 1951). In the event of a contumacious failure by the respondent to then produce the requisite information in a reasonable time, the Commission can petition the court to compel obedience through its civil contempt power. Penfield Co. v S.E.C., 330 U.S. 585 (1947).

III. Recommended Action:

The Commission is requested to approve on a no objection basis the sending of the attached letter which seeks an affidavit from Dick Ays confirming the refusal to accept

31040233267

service. On its receipt, an application for an order by the U.S. District Court in Newark, New Jersey will be submitted to the Commission for approval.



William C. Oldaker
General Counsel

Date: 4/1/77

81740233268

March 11, 1977

Memorandum to:

The file

From:

Dave Anderson *DA*

Subject:

MUR 310(76)

On Thursday, March 10th at approximately 4:10 p.m., I spoke with Mr. Dick Ays, an employee of the U.S. Post Office in Hopatcong, New Jersey. Mr. Ays stated that he had attempted to deliver the Commission's package to 751 Brooklyn-Mountain Road, but that Mr. Hogan had refused to accept delivery.

I informed Mr. Ays that the Commission would probably send him a letter shortly which would request that he confirm these facts by affidavit. Mr. Ays stated that he had no objections to this procedure.

Mr. Ays' phone number is 201-398-1046.

DAnderson:dks:3/11/77
file MUR 310 (76)

91040233269

WASHINGTON, DC 20540

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

Handwritten signature

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20540

OFFICIAL BUSINESS

POSTAGE AND FEES PAID



CERTIFIED MAIL
RETURN RECEIPT REQUEST

Mr. James L. Hogan, Chairman
Northwest New Jersey TRIM Committee
751 Brooklyn Mountain Road
Hopatcong, New Jersey 07843



FEDERAL ELECTION COMMISSION

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

March 3, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

This acknowledges the Commission's receipt on January 31, 1977 of your response to our letter of December 29, 1976. Your letter responded by declining to answer any of the Commission's questions until such a time as the Commission stated that a definite violation had been committed.

In its letter of December 29, 1976, the Commission stated that it "has found reason to believe that the chart rating Representative Meyner's votes on certain issues may constitute an expenditure expressly advocating the defeat of a clearly identified candidate, in violation of 2 U.S.C. §§433, 434(e) and 441d." The Commission need only find reason to believe that a violation has occurred before initiating an investigation of any alleged violation. 2 U.S.C. §437g(a)(2).

Enclosed please find an order issued pursuant to 2 U.S.C. §437d(a)(1), which requires you to answer certain questions relating to this investigation. Your answers must be submitted under oath within fifteen (15) days of your receipt of the order.

The attorney assigned to this case is David L. Anderson (telephone No. 202-382-4056). Please contact him if you have any questions.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures





FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: The Commission

THROUGH: Lan Potter

FROM: William Oldaker

SUBJECT: MUR 310 (76)

Background: This matter involves the distribution of a booklet by the Northwest Jersey TRIM (Tax Reform Immediately) Committee ("TRIM"). The Commission reviewed a copy of the booklet and found reason to believe that a chart in the booklet (which interpreted and rated Representative Helen Meyner's votes on certain issues) may have constituted an expenditure expressly advocating the defeat of a clearly identified candidate, in violation of 2 U.S.C. §§433, 434(e), and 441d.

On December 30, 1976, James J. Hogan (the Chairman of TRIM) accepted delivery of a letter notifying him of the Commission's finding and requesting the submission of a sworn statement answering a series of questions relating to the alleged violations. Mr. Hogan did not respond within the requested ten-day period after receipt, so on January 31, 1976 a letter was sent by this office which requested an immediate response. Also on January 31, 1976, the Commission received Mr. Grant's brief response to its inquiry. Mr. Grant stated that "in light of this letter appearing to be no more than a fishing expedition (sic) to satisfy Mr. Grant, who is one of Mrs. Meyner's fellow politicians, I will respectfully decline at this time to answer any questions, and must continue to do so until such time as you would state a definite violation that has been committed."

Analysis & Recommendation: Mr. Hogan's response is totally without merit since the Commission set forth in its letter of December 29, 1976 that reason to believe had been found because TRIM may have violated 2 U.S.C. §§433, 434(e)



and 44ld. Under 2 U.S.C. §437g(a)(2) the Commission is not required to find that a definite violation has been committed. Mr. Hogan was also provided a copy of the Act and requested to call this office if he had any questions.

It is clear that this matter cannot be resolved until information is received on the nature of TRIM and the circumstances of the booklet's distribution. Since Mr. Grant appears unwilling to volunteer the requested information, it is recommended that the Commission authorize the sending of the attached letter, order and questions pursuant to 2 U.S.C. §437d(a)(1).

81740233273

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 310 (76)
Northwest Jersey TRIM)
Committee)

ORDER

The Federal Election Commission, pursuant to its powers set forth in 2 U.S.C. §437d(a)(1) and in furtherance of its investigation in the above-referenced matter, requires that you submit in writing answers to the attached questions. Said answers should be submitted under oath, within fifteen (15) days of your receipt of this order.

Vernon W. Thomson
Chairman for the Federal
Election Commission

81040233274

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 310 (76)
)
Northwest Jersey TRIM)
Committee)

QUESTIONS

TO: Mr. James J. Hogan
Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

8 1 0 4 0 2 3 3 2 7 3
The Federal Election Commission, pursuant to the provisions of 2 U.S.C. §437d(a)(1) requests that James J. Hogan, Chairman of the Northwest Jersey TRIM Committee ("NJTRIM") or any other persons with direct personal knowledge and supervisory responsibility involving the information set forth herein, answer under oath, the following questions. References to the "NJTRIM booklet" refer to the NJTRIM booklet which contained an analysis of Representative Helen Meyner's voting record, a copy of which accompanied the Commission's letter of December 29, 1976.

- (1) State your name and mailing address.
- (2) What office do you hold in NJTRIM?
- (3) Describe the duties and responsibilities of this office.
- (4) State the mailing address of NJTRIM.
- (5) Is NJTRIM an incorporated membership organization?
- (6) Is NJTRIM affiliated (as defined in §100.14(c) of the Commission's interpretative rules, a copy of which is enclosed) with any:
 - (a) political party (as defined in 2 U.S.C. §431(m))?
 - (b) political committee (as defined in 2 U.S.C. §431(d))?
 - (c) candidate (as defined in 2 U.S.C. §431(b))?
 - (d) corporation or labor organization?

(7) If the answer to any part of question (6) is yes, state the name and address of each candidate, corporation, labor organization, political committee, and political party with which NJTRIM is affiliated.

(8) Is NJTRIM affiliated (established, financed, maintained, or controlled) or associated with or a part of a national TRIM organization?

(9) If the answer to question (8) is yes, state the name and address of this national TRIM organization and its purpose.

(10) What is the purpose of NJTRIM?

(11) (a) Set forth the individual or individuals with editorial responsibility for preparing the NJTRIM booklet and indicate (if applicable) the organization or organizations (including national TRIM or NJTRIM) with which this individual or individuals are associated? Include in your response the individual or individuals with editorial responsibility for preparing the page on Representative Meyner.

(b) Indicate, if relevant, whether any of the organizations set forth in your response to part (a) are a political committee as defined in 2 U.S.C. §431(d).

(12) What was NJTRIM's purpose in publishing, distributing, and making available the NJTRIM booklet?

(13) Please indicate the number of prior issues of the NJTRIM booklet that have been published and the date publication commenced.

(14) What was the approximate date of publication of the NJTRIM booklet?

(15) What was the total cost of researching, writing, printing, and distributing the NJTRIM booklet?

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(16) State to whom was the NJTRIM booklet distributed.

In particular, was it distributed:

- (a) to members of NJTRIM?
- (b) to any individual who requested a copy?
- (c) systematically among the voters in the 13th Congressional District of New Jersey?
- (d) randomly among the voters in the 13th Congressional District in New Jersey?
- (e) randomly among the public at large?

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81040333278

FEDERAL ELECTION COMMISSION

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

RETURNED TO SENDER

REASON CHECKED

Backlist ☒ Refused ☐
Addressee unknown ☐
Insufficient Address ☐
No such street number ☐
No such office in state ☐
Do not re-mail in this envelope

POSTAGE AND FEES PAID



Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

NAME _____
1st Notice 1-7 pp
2nd Notice 2-7 sk
Return 2-17

CERTIFIED
438186





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JAN 31 1977

Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

On December 30, 1976, you accepted delivery of a letter which notified you that the Commission had found reason to believe that the Northwest Jersey TRIM Committee had violated 2 U.S.C. §§433, 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended. In that letter, you were requested to submit within ten days of the receipt of that letter a signed, sworn, and notarized statement which fully answered a series of questions relating to the alleged violations. To date, no such response has been received by the Commission.

The Commission is under a duty to expeditiously investigate this matter. In the absence of a response from you, a decision on further action will be based solely on the materials currently in the Commission's possession.

Sincerely yours,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

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

February 22, 1977

#922
To Kent
PK
file

MEMORANDUM TO: WILLIAM OLDAKER

FROM: MARJORIE W. EMMONS *mwe*

RE: Memorandum to the Commission Regarding
MUR 310 (76)

Attached is a photocopy of Commissioner Springer's
copy of your Memorandum regarding MUR 310 (76). Please
note the question he has raised.

P.S. THE COMMISSIONERS ARE OBJECTING TO THE FACT THAT
THE ATTACHED MEMORANDUM FROM YOUR OFFICE WAS
UNDATED, AS SOME OTHERS HAVE BEEN. THEY WOULD
LIKE ALL MEMORANDUMS DATED.



JAMES J. NOGAN
751 BROOKLYN - MTH. RD.
HOPATCONG, N. J. 07933

TREASURY TAX
DEPT.

LOWER TAXES THROUGH LESS OVERPAYMENT

MR. JOHN G. MURPHY

GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

1325 K STREET N. W.

WASHINGTON, D. C.

20463

8104023329
FEDERAL ELECTION
COMMISSION

17 JAN 31 AM:40

CC#1345

RECEIVED
FEDERAL ELECTION
COMMISSION

James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, N.J. 07843

Mr. John G. Murphy
General Counsel
Federal Election Commission
1325 K Street N. W.
Washington, D. C. 20463

77 JAN 31 11:56

770325

Dear Mr. Murphy,

I am in receipt of your letter dated Dec. 29, 1976 and referred to file # MUR 310 (76). After reading your letter I fail to see any point brought forth to show where the TRIM Committee has violated the F.E.C. rules. Therefore in light of this letter appearing to be no more than a fishing expedition to satisfy mr. Grant, who is one of Mrs. Meyner's fellow politicians, I will respectfully decline at this time to answer any questions, and must continue to do so until such time as you would state a definite violation that has been committed.

Very truly yours,

James J. Hogan

JAMES J. HOGAN, Chairman

TRIM TAX
REFORM
IMMEDIATELY

LOWER TAXES THROUGH LESS GOVERNMENT

810402332



FEDERAL ELECTION COMMISSION

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

MUR file
JAN 31 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

On December 30, 1976, you accepted delivery of a letter which notified you that the Commission had found reason to believe that the Northwest Jersey TRIM Committee had violated 2 U.S.C. §§433, 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended. In that letter, you were requested to submit within ten days of the receipt of that letter a signed, sworn, and notarized statement which fully answered a series of questions relating to the alleged violations. To date, no such response has been received by the Commission.

The Commission is under a duty to expeditiously investigate this matter. In the absence of a response from you, a decision on further action will be based solely on the materials currently in the Commission's possession.

Sincerely yours,

/s/

William C. Oldaker
General Counsel



31740233283

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 29 1976

Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

This is to notify you that the Federal Election Commission has received a complaint, which we have numbered MUR 310 (76), in which it is alleged that the Northwest Jersey TRIM Committee ("TRIM") has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. Please refer to the number in all future correspondence.

The Commission has reviewed a copy of the TRIM booklet in question (a copy of which is enclosed), and has found reason to believe that the chart rating Representative Mayner's votes on certain issues may constitute an expenditure expressly advocating the defeat of a clearly identified candidate, in violation of 2 U.S.C. §§433, 434(a) and 441d. (For your information, we have enclosed a copy of the Act.) Accordingly, we request that you submit within ten days of the receipt of this letter a signed, sworn and notarized statement which fully answers the following questions:

- (1) Is TRIM an incorporated membership organization?
- (2) Is TRIM affiliated with any political party, political committee, or candidate?

(3) Does TRIM receive contributions or make expenditures during a calendar year (in an aggregate amount exceeding \$1,000) for the purpose of influencing the election or defeat of any candidate for Federal office?

(4) What was TRIM's purpose in publishing a rating of Representative Meyner's voting record?

(5) Is the TRIM booklet a magazine or other publication which is published periodically?

(6) What was the cost for printing and distributing the TRIM booklet?

(7) Please describe to whom was the TRIM booklet distributed. In particular, was it distributed to:

- (a) members of TRIM?
- (b) individuals who requested a copy?
- (c) voters in the 13th Congressional District in New Jersey?
- (d) randomly among the public at large?

(8) What was the date when the TRIM booklet was first distributed in Representative Meyner's district and what was the length of the distribution period?

(9) Did TRIM provide copies of the booklet to any candidate who was running against Representative Meyner? To any committee or individuals affiliated with or supporting such a candidate?

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. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

- 3 -

The attorney assigned to this case is David L. Anderson (telephone no. 202/382-3153). Please contact him if you have any questions.

Sincerely yours,

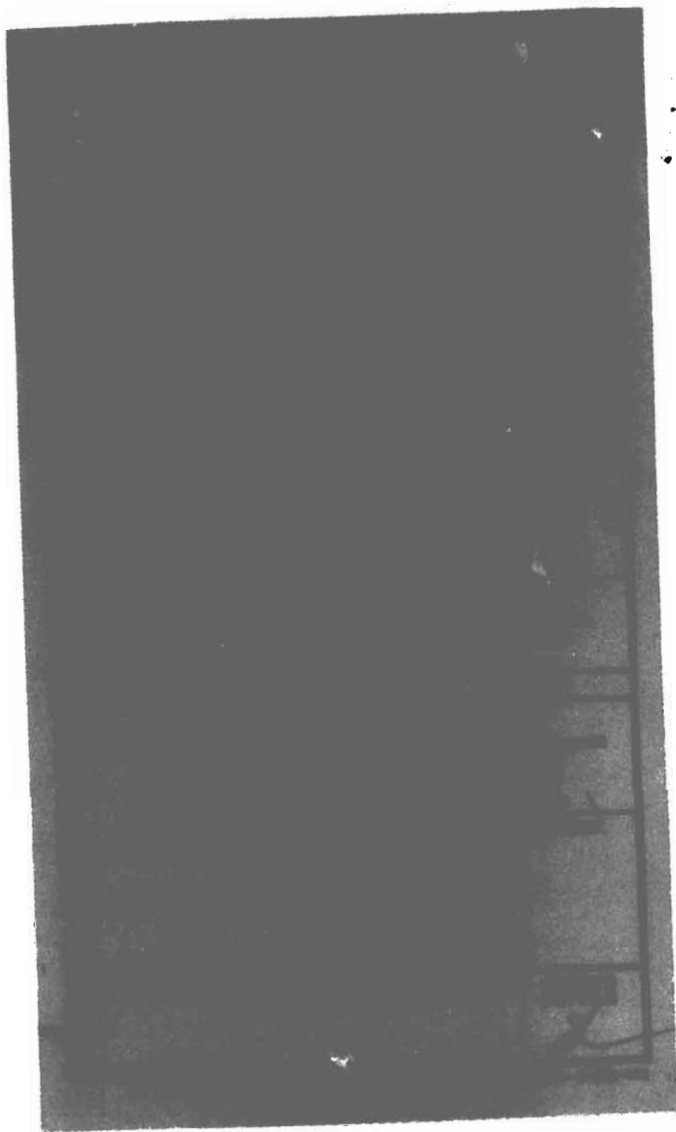
15/

John G. Murphy, Jr.
General Counsel

Enclosures

DAnderson:pjg:12/6/76
cc: Chron file
MER file
DA

31017233235



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 29 1976

Mr. Robert C. Grant
114 E. Ridgewood Parkway
Denville, New Jersey 07834

Re: MUR 310 (76)

Dear Mr. Grant:

This letter acknowledges receipt of your complaint dated October 19, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended, ("the Act"), by the Northwest Jersey TRIM Committee ("TRIM"). We have numbered your complaint as MUR 310 (76). Please refer to this number in all future correspondence.

A copy of your complaint has been forwarded to the respondent. If you have any further evidence which you wish to make available to the Commission, please submit it within five days of the receipt of this letter. For your information we have enclosed a brief description of the Commission's preliminary procedures for the handling of complaints.

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 unless the respondent agrees in writing to make the investigation public. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

The attorney assigned to this case is David L. Anderson (telephone No. 202-382-3153). Please contact him if you have any questions.

Sincerely yours,

131

John G. Murphy, Jr.
General Counsel

Enclosures

BEFORE THE FEDERAL ELECTION COMMISSION

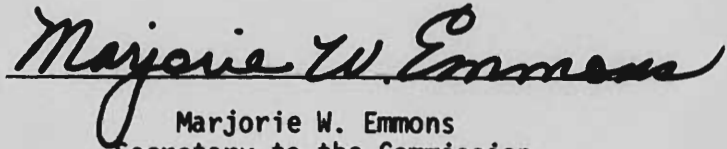
In the Matter of

James J. Hogan, Chairman, Northwest
Jersey TRIM Committee

MUR 310 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 21, 1976, the Commission adopted the recommendation of the General Counsel to find Reason to Believe that a violation of 2 U.S.C. §§433, 434(e) and 441d had been committed in the above-captioned matter.



Marjorie W. Emmons
Secretary to the Commission

81010233288



FEDERAL ELECTION COMMISSION

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

December 21, 1976

MEMORANDUM FOR: BILL OLDAKER
FROM: MARJORIE EMMONS *mwe*
RE: MUR 310 (76) and MUR 331 (76)

The above mentioned MURs were transmitted to the Commissioners at 11:00 a.m. on December 20, 1976.

As of 2:00 p.m. on December 21, 1976, no objections have been received on these MURs.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



81010233289

DATE AND TIME OF TRANSFER:

DEC 20 1976

NO. 100-311 (76)

11:00

REC'D: 10/21/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Robert C. Grant (notarized)

Respondent's Name: James J. Hogan, Chairman, Northwest Jersey TRIM Committee

Relevant Statute: 2 U.S.C. §§433, 434(c), 441d

Internal Reports Checked: Registration statements

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

TRIM (Tax Reform Immediately) is distributing a booklet which states that TRIM is a "nationwide network of committees launched by the John Birch Society." Complainant alleges that the brochure "expressly advocates the feat of a candidate," yet does not contain the requisite 2 U.S.C. §441d notice.

PRELIMINARY LEGAL ANALYSIS

The four page TRIM booklet attacks the Humphrey-Hawkins bill, deficit and wasteful spending, Federal regulatory agencies, and candidates who favor "Big Government." (Attachment #1.) The booklet also devotes 2/3 of a page to showing that in six separate instances Representative Helen Meyner (Democratic nominee from the 13th Congressional District of New Jersey) voted for "higher taxes and more government." Each of the six stated issues

(cont.)

RECOMMENDATION

Find reason to believe; send attached letters.

For Next Commission Review:

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PRELIMINARY LEGAL ANALYSIS (cont.)

is phrased in a manner which leaves a clearly negative impression with regard to Representative Meyner's position on the issues. The publication fails to contain any authorization notice, and a review of the Commission's registration statement reveals that the Northwest Jersey TRIM Committee has not registered or reported as a political committee. (2 U.S.C. §§433, 434, and 441d.)

Since the booklet does not merely record Representative Meyner's voting record but also interprets the record through the negative phrasing of the listed issues, this rating could reasonably be read as seeking to influence the defeat of Representative Meyner because of her opposition to TRIM supported legislation. See O/R #790 which was sent to the U.S. Chamber of Commerce. (See also, O/R #682 and #544 which concluded that the voting records of a Federal officeholder, which can be reasonably read to show support or opposition to the officeholder, were "in connection with a Federal election" and thus are precluded under 2 U.S.C. §441b from being financed from general corporate funds.)

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Accordingly, since the Commission's final decision on this matter will depend in significant part on the context of the production and distribution of the booklet, an investigation appears warranted.

81040233292

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TRIM BULLETIN

Published by:
TRIM (Tax Reform Immediately),
a nationwide movement for

**Lower Taxes Through
Less Government**

Northwest Jersey TRIM Committee

751 Brooklyn Mountain Road, Hoboken, N.J. 07043 Phone 398-8117

James J. Hogan, Chairman

Camille Hammond, Secretary

Edward Bauer, Treasurer

Partial List of Sponsors:

John Antonelli
Judy Ameglio
Colleen Bauer
David G. Bowen, Jr.
Charlotte Braz
William Burke
Chuck Covine
Paul Florman
Tom Gregory

Adam Habuda
Al Hammond
John Home
Mrs. David Laird
Alexander McCord
Henry Moss
John Parnell
Raymond Pietrowicz
Stanley Pietrowicz

Robert B. Rowland, D.D.S.
Forster Ruhl, M.D.
Donald Saba
Evelyn M. Schack
Ralph Spoor
John L. Swartzel
James Tamburro
Howard Vose
John E. Wilkalis

"Jobs" Programs Cause Layoffs

**Having the government
hire the unemployed
sounds easy.
But does it really
solve the problem?**

Nearly seven million of your fellow Americans are unemployed right now. Perhaps even your best friend was idled by a recent layoff at his company.

Who's to blame?

What caused the unemployment problem? And why have thousands of businesses either gone bankrupt or laid off productive workers?

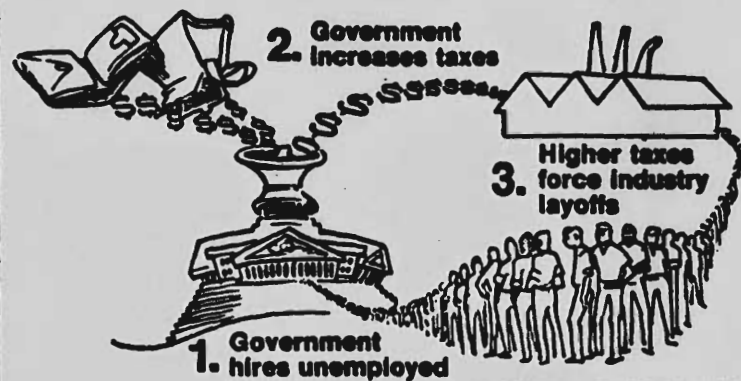
The main culprit is the federal government. As we will see, there is a definite relationship between excessive government spending and the current unemployment crisis.

When Congress goes on a vote-buying, deficit spending spree, the government must find funds to pay the bills. It can get money from four primary sources: (1) taxpayers, (2) businesses, (3) private banks, or (4) from the Federal Reserve.

There simply is no such thing as real jobs creation through government programs — there is simply job transfer from the private to the public sector with a substantial loss to the treasury and to our economic growth.

— Congressman Jack Kemp

GOVERNMENT "JOBS" PROGRAM



When big government saddles taxpayers and businesses with ever-increasing taxes, *individuals* are unable to accumulate savings which they would use to buy consumer goods or to invest; and businesses unable to accumulate capital cannot expand plant facilities or hire more workers. When individuals and businesses are strapped financially, they seek bank loans.

But the federal government is the taxpayer's chief competitor for a bank's dollars, eating up 70% of the money and credit which would otherwise be available to private industry. Local and state governments take another 10%, leaving only 20% for the private sector.

One can only guess how many workers have not been employed because the various levels of government cornered the funds available in private banks.

The government also finances its deficits by selling bonds to the Federal Reserve. In "payment" for these bonds, the Federal Reserve simply expands credit and inflates the volume of dollars in circulation. And the increase in the money supply is the cause of inflation, as this automatically reduces the value of all other money in circulation.

Inflation is simply a "hidden tax" which places more and more strain

(Continued on next page)

"Jobs" Programs Cause Inflation and Unemployment (From page one)

on industry and consumers.

The result of inflation and ever-higher taxes is staggering. Since 1965, after-tax business profits have dropped 50% and retained earnings for investment and expansion have plummeted 85%. Today America devotes a smaller percentage of its gross national product to capital investment than any other industrial nation in the world.

What can be done?

Although big government has caused the unemployment problem, some politicians suggest that a massive government "jobs" program would be the ideal solution.

Senator Hubert Humphrey and California Congressman Augustus Hawkins are promoting this scheme. They have jointly sponsored *The Full Employment and Balanced Growth Act of 1976*. If passed, it would require the government to try to lower the unemployment rate to 3% within four years by hiring the unemployed. But this type of program would force up taxes and government borrowing, causing a new round of layoffs in private industry.

Such a federal program would have disastrous economic effects. Already, says Maryland Representative Marjorie Holt, "Seventy million taxpayers in the productive sector of the economy are compelled to support government payments of one sort or another to 80 million recipients." Adding millions more to government payrolls could destroy the economy.

Won't Congress ever learn from its past mistakes? The Public Works Impact Program, which started in 1973 did not help the unemployed. California Congressman John Rousselot has pointed out that only seven percent of the total cost went to wages and it ended up costing taxpayers \$10,000 to hire one man for one month. In addition, he

As the privately employed are taxed to finance public jobs for the unemployed, they themselves become unemployed. The more producers are taxed the less they will produce. Following Humphrey-Hawkins logic, New York City over a dozen years added nearly 150,000 public jobs. All along the way taxes rose, productivity fell and the unemployment rate climbed. In the same period federal spending went from \$100 billion to \$400 billion, and what has happened to the unemployment rate? . . . If jobs are destroyed when taxes go up, isn't it reasonable to suppose that jobs are created when taxes go down?

— Wall Street Journal

found that the Comprehensive Employment and Training Act "created" jobs costing \$100,000 each.

Solving the Problem

Deficit spending must cease. Congress must be made to understand that deficit spending is one of the root causes of unemployment. Senator William Proxmire, chairman of the Senate Committee on Banking, Housing and Urban Affairs, has pointed out that for every \$10 billion borrowed by the federal government, approximately 500,000 new housing starts cannot

begin for lack of money. That causes a direct loss of one million jobs and an indirect loss of two million more.

Regulatory agencies must be abolished. Government regulation is killing American business. In the past fifteen years, Congress has given birth to over 200 new regulatory agencies, bureaus, and commissions. The *Federal Register*, which prints the daily flow of new regulations, is a good indicator of their volume.

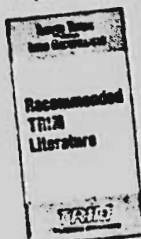
In 1936 the *Federal Register* had a total of 2,400 pages. By 1970 it had jumped to 20,000 pages annually. And last year it contained as astounding 60,000 pages.

Congress must stop buying votes with taxpayer dollars. By appropriating billions for programs of questionable value, Congress is wasting tax money.

Government has created the unemployment problem. The only effective solution is the creation of real jobs — jobs producing consumer goods and services — in private industry. But these jobs will be created only when we put Big Government on a diet.

It's time for lower taxes.

Because many "hidden taxes" are never seen by consumers, some people find it hard to believe that governments at all levels are now consuming over 40% of an average person's earnings. TRIM, a nationwide network of committees launched by The John Birch Society, is working to bring about "lower taxes through less government." If you want more information, clip the coupon below and mail to the TRIM committee listed at the top of page one.



— FREE —
Just send a
stamped, self-
addressed envelope

- ☐ Please let me know how I can help distribute your TRIM Bulletin.
- ☐ I'm fed up with high taxes and inflation. Please tell me how I can join your TRIM Committee.
- ☐ I've enclosed a donation to help print and distribute more TRIM Bulletins.
- ☐ Send a free copy of "Recommended TRIM Literature." I've enclosed a stamped, self-addressed envelope.

Name _____

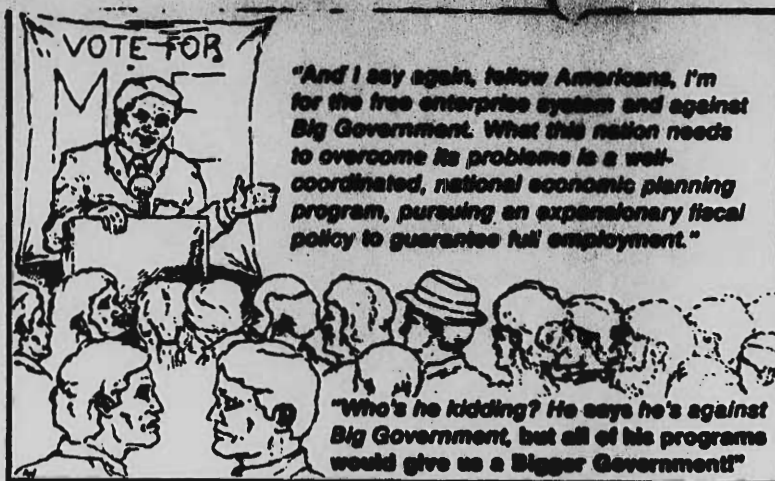
Address _____

Phone _____

City _____

State _____

Zip _____



READ BETWEEN THE LINES

How To Spot A Phony Politician

In a normal political year, it's not unusual for politicians to win voter support by promising to give everyone everything.

This year is not much different, except that the rising tide of anti-Washington, anti-big government sentiment is causing politicians to change their tactics slightly. With few exceptions, candidates are running on "anti-Big Government" platforms. But not all of them are sincere, of course.

Which ones are telling the truth? It's difficult to tell. Some of them have been lying so long they may not even know what the truth is.

To help you to see through the propaganda, we've compiled a list of words and phrases which often pop up in the speeches and literature of candidates who are campaigning *against* big government when they are actually for it.

1. **Expansionary fiscal policy.** The key word is "expansionary." If a candidate supports such a fiscal policy, he is saying he favors unbalanced budgets, an expansion of the money supply, and inflation.

2. **National planning/national policy.** The candidate who advocates "national planning" to solve our nation's problems is calling for a bigger federal government.

3. **Comprehensive.** This word is usually attached to a socialized medical program, or to any federal program which will be imposed on the nation as a whole.

4. **Guarantee.** This word is a dead giveaway. The candidate who tells you we need a national program to "guarantee" health, or education, or a livelihood to someone is saying he will use government to take even more from productive individuals and then further encourage idleness by giving to the unproductive.

5. **Uniform.** If a candidate says the nation needs uniform laws, or standards, or programs, he's telling you he doesn't believe local or state governments can handle their own problems.

6. **Full Employment.** This ideal is pushed by politicians who would put more Americans on the government dole. Remember that govern-

272 Representatives Vote Against Balanced Budget

California Congressman John Rousselot put his colleagues on the spot in April by introducing a measure that would have required a balanced budget.

Promoting his plan, Rousselot told his colleagues, "More spending creates more inflation and higher interest rates. These policies result in recession and, if it continues, depression. Our fate — the fate of the United States — can be little different from that of New York City and countries such as Great Britain so long as we continue to tout the virtues of outmoded economic policies by spending money that we do not have and playing havoc with the economy."

But 272 Representatives went on record in favor of deficit spending. Their refusal to balance the budget will lead to increased government borrowing, inflation, and unemployment.

ment-guaranteed "full employment" exists in Communist countries where the worker is told by the government when to work, where to work, and for how much.

7. **Progressive.** This is the new word for "liberal." It is also used to refer to bills, programs, or policies which permit the federal government to meddle in local and state affairs.

8. **Partnership.** This word is used by the politician who pretends that local, state and federal programs can be coordinated harmoniously. He will tell you that "federal/state partnerships" can solve our nation's real or imagined woes. No such partnership can exist. The federal government will always run the programs once it becomes involved.

Wasteful Program Gets Green Light From Congress

When family budgets are getting tight, should taxpayers have to shell out \$46,000 for a researcher to study what effects scantily clad women have on male automobile drivers, or be bilked of \$250,000 for a nine-year study of the copulation habits of rodents?

These are a couple of examples of some of the strange projects funded by the National Science Foundation.

And, unfortunately, a majority in Congress voted to continue funding the NSF, giving it \$801 million for fiscal year 1977. Included in this appropriation is \$1.4 million for a new "Human Sciences Program" for teenagers, which Arizona Congressman John Conlan has characterized as a lethal assault on family virtues and privacy.

Many Americans see the National Science Foundation not only as a waste of taxpayer dollars, but view its activities as a threat to the American family.

When more of the people's sustenance is exacted through the form of taxation than is necessary to meet the just obligations of government and expenses of its economical administration, such exaction becomes ruthless extortion and a violation of the fundamental principles of a free government.

— Grover Cleveland

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

— Benjamin Franklin

The less government we have, the better — the fewer laws, and the less confided power.

— Ralph Waldo Emerson

HOW DOES YOUR REPRESENTATIVE VOTE?



**Congresswoman
Helen Mayner**

12th DISTRICT OF NEW JERSEY

Address
126 Cannon Office Bldg., Washington, D.C. 20515
Phone (202) 225-5501
22 North Sussex St., Dover, N.J. 07801
Phone (201) 344-5776

ON THESE MEASURES	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
Government jobs Consumer cost: \$82 per household. For every job "created" by government, a job in private industry is destroyed. Big government is the cause of our unemployment problem. Yet, a majority in Congress continues to vote for Bigger Government. On this measure, the House voted 239 to 184 to spend \$6 billion to keep 320,000 existing, and add 380,000 new, government employees. (H.R. 11463, Cong. Rec., 2/10/76, p. H888-H920.)		X
More government jobs Consumer cost: \$85 per household. The House voted this time 319 to 98 to override a presidential veto and spend \$6.2 billion more to hire another 600,000 non-productive government workers. (H.R. 5247, Cong. Rec., 2/19/76, p. H1153-H1177.)		X
Balanced budget proposal Proposed consumer saving: \$686 per household. This would have reduced federal spending by \$50 billion, thereby balancing the budget. Unfortunately, it was defeated 272-105 by an irresponsible and spendthrift Congress. (H.C.R. 619, Cong. Rec., 4/23/76, p. H3619-H3666.)		X
Federal debt increase Consumer cost: \$439 per household. Voting 212-189, Congress increased the "temporary" debt limit to \$627 billion through June 30, 1976. Interest on the debt costs taxpayers over \$100 million per day — a consumer cost of \$527 per household annually. (H.R. 11893, Cong. Rec., 2/25/76, p. H1284-H1297.)		X
More foreign aid Consumer cost: \$69 per household. Congress voted 214-152 to spend another \$5 billion in foreign aid, including \$85 million for the anti-U.S. and Communist-controlled United Nations. (H.R. 12203, Cong. Rec., 3/4/76, p. H1611-H1656.)		X
Natl. Science Foundation Consumer cost: \$11 per household. Voting 355 to 33, Congress gave \$801 million to the NSF. \$1.4 million goes to fund a new program which requires school children to invade the privacy of the family. (I.R. 12568, Cong. Rec., 3/25/76, p. H2330-H2417.)		X

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert C. Grant
~~114 E. Ridgewood Parkway~~
Denville, New Jersey 07834

Re: MUR 310 (76)

Dear Mr. Grant:

This letter acknowledges receipt of your complaint dated October 19, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Northwest Jersey TRIM Committee ("TRIM"). We have numbered your complaint as MUR 310 (76). Please refer to this number in all future correspondence.

A copy of your complaint has been forwarded to the respondent. If you have any further evidence which you wish to make available to the Commission, please submit it within five days of the receipt of this letter. For your information we have enclosed a brief description of the Commission's preliminary procedures for the handling of complaints.

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 unless the respondent agrees in writing to make the investigation public. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

The attorney assigned to this case is David L. Anderson (telephone No. 202-292-8153). Please contact him if you have any questions.

Sincerely yours

John G. Murphy,
General Counsel

Enclosures

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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20563

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James J. Hogan, Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Road
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

This is to notify you that the Federal Election Commission has received a complaint, which we have numbered MUR 310 (76), in which it is alleged that the Northwest Jersey TRIM Committee ("TRIM") has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. Please refer to the number in all future correspondence.

The Commission has reviewed a copy of the TRIM booklet in question (a copy of which is enclosed), and has found reason to believe that the chart rating Representative Meyner's votes on certain issues may constitute an expenditure expressly advocating the defeat of a clearly identified candidate, in violation of 2 U.S.C. §§433, 434(e) and 441d. (For your information, we have enclosed a copy of the Act.) Accordingly, we request that you submit within ten days of the receipt of this letter a signed, sworn and notarized statement which fully answers the following questions:

(1) Is TRIM an incorporated membership organization?

(2) Is TRIM affiliated with any political party, political committee, or candidate?

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(3) Does TRIM receive contributions or make expenditures during a calendar year (in an aggregate amount exceeding \$1,000) for the purpose of influencing the election or defeat of any candidate for Federal office?

(4) What was TRIM's purpose in publishing a rating of Representative Meyner's voting record?

(5) Is the TRIM booklet a magazine or other publication which is published periodically?

(6) What was the cost for printing and distributing the TRIM booklet?

(7) Please describe to whom was the TRIM booklet distributed. In particular, was it distributed to:

- (a) members of TRIM?
- (b) individuals who requested a copy?
- (c) voters in the 13th Congressional District in New Jersey?
- (d) randomly among the public at large?

(8) What was the date when the TRIM booklet was first distributed in Representative Meyner's district and what was the length of the distribution period?

(9) Did TRIM provide copies of the booklet to any candidate who was running against Representative Meyner? To any committee or individuals affiliated with or supporting such a candidate?

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. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

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OFFICE OF GENERAL COUNSEL

9104023300

- 3 -

The attorney assigned to this case is David L. Anderson (telephone no. 202/382-3153). Please contact him if you have any questions.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosures

81040233301

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

November 16, 1976

MEMORANDUM FOR: BILL OLDAKER

FROM: MARJORIE EMMONS *MWE*

RE: MUR 260 (76), MUR 308 (76), MUR 310 (76)
ans MUR 316 (76)

*objection noted
by Stukler*

The above mentioned MURs were transmitted to the Commission
on November 15, 1976 at 12:45 p.m.

As of 2:00 p.m. on November 16, 1976, no objections have
been received on these MURs.

231 Case go out

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

81040273302

DATE AND TIME OF TRANSMITTAL: _____

NO. 100-318 (76)

REC'D: 10/21/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Robert C. Grant (notarized)

Respondent's Name: James J. Hogan, Chairman, Northwest Jersey TRIM Committee

Relevant Statute: 2 U.S.C. §§433, 434, 441d

Internal Reports Checked: Registration statements

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

TRIM (Tax Reform Immediately) is distributing a booklet which states that TRIM is "a nationwide network of committees launched by the John Birch Society." Complainant alleges that the brochure "expressly advocates the defeat of a candidate," yet does not contain the requisite 2 U.S.C. §441d notice.

PRELIMINARY LEGAL ANALYSIS

Our analysis of the booklet indicates that it does not expressly advocate the defeat of Representative Meyer nor does it contain any express language which shows an intent to influence or be in connection with any election.

Rather, it may be argued that the booklet is simply intended to influence national policy and not the election of candidates. U.S. v. Nat. Com. for Impeachment, 469 F. 2d 1135, 1142 (2d Cir., 1972). continues on next page

RECOMMENDATION

Close file, send attached letters.

PRELIMINARY LEGAL ANALYSIS
(CONTINUED)

The four page TRIM booklet attacks the Humphrey-Hawkins bill, deficit and wasteful spending, Federal regulatory agencies, and candidates who favor "Big Government."

(Attachment #1) The booklet also devotes 2/3 of a page to showing that in six separate instances Representative Helen Meyer (Democratic nominee from the 13th Congressional District of New Jersey) voted for "higher taxes and more government." Each of the six listed issues is phrased in a manner which leaves a clearly negative impression with regards to Representative Meyer's position on the issues. The publication fails to contain any authorization notice, and a review of the Commission's registration statements reveals that the Northwest Jersey TRIM Committee has not registered or reported as a political committee. (2 U.S.C. §§433, 434 and 441d). It may be reasonably concluded that the chart on "how does your representative vote" was provided to encourage citizens to write or call Representative Meyer (thus her office address and phone numbers are included) for the purpose of influencing her to vote in conformance with the views of TRIM. As stated by the Court of Appeals in Buckley v. Valeo, 519 F. 2d 821, 875 (D.C. Cir., 1975), "[p]ublic issues which are also campaign issues readily and often unavoidably draws in candidates and their positions,

continued

their voting records and other official conduct." However, to require an organization to register and report as a political committee simply because it describes or rates the conduct or actions of clearly identified public officials, Id. at 871, would be an unconstitutional infringement on the First Amendment rights of the organization, Id. at 874-878.

In light of the fact that the TRIM booklet as a total entity is concerned with issues and not candidates, the booklet appears clearly subject to First Amendment protection and distinguishable from the factual situations in O/R #544 and O/R #790.

91040213305



FEDERAL ELECTION COMMISSION

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

Mr. Robert C. Grant
114 E. Ridgewood Parkway
Denville, New Jersey 07834

Re: MUR 310 (76)

Dear Mr. Grant:

This acknowledges receipt of your complaint dated October 19, 1976, alleging violations of the Federal Election Campaign Act of 1971, as amended (the Act) by the Northwest Jersey TRIM Committee. I have reviewed your allegations and concluded that on the basis of the information provided in your complaint that there is no reason to believe that a violation of the Federal Election Campaign Act, as amended has been committed. Accordingly, on my recommendation the Commission has decided to close the file on this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact David L. Anderson (telephone no. 202/382-3153), the attorney assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

8104023306



FEDERAL ELECTION COMMISSION

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

Mr. James J. Huron
Chairman
Northwest Jersey TRIM Committee
751 Brooklyn-Mountain Rd.
Hopatcong, New Jersey 07843

Re: MUR 310 (76)

Dear Mr. Hogan:

I am forwarding the enclosed complaint pursuant to 2 U.S.C. §437g(a)(2) for your information. The complaint alleged certain violations of the Federal Election Campaign Act of 1971, as amended (the Act), by the Northwest Jersey TRIM Committee.

I reviewed ^{the} ~~your~~ allegations and concluded that on the basis of the information provided in the complaint that there is no reason to believe that a violation of the Federal Election Campaign Act, as amended has been committed. Accordingly, on my recommendation the Commission has decided to close the file on this matter.

Should you have any questions, please contact David L. Anderson (telephone no. 202/382-3153), the attorney assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosure

8104023307

2101023300
Robert C. Grant
114 East Ridgewood Parkway
Denville, N. J. 07834

RETURN RECEIPT
REQUESTED

CERTIFIED

No. 586581

MAIL

Mr. David Spiegel
Compliance Section
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

76 OCT 21 P 1:11

COMMISSION
SECTION
D

RECEIVED
FEDERAL ELECTION
COMMISSION

CC # 798

MUR 310

76 OCT 21 October 19, 1976
P 1:34

Mr. David Spiegel
Compliance Section
Federal Election Commission
1325 "K" St., N.W.
Washington, D.C. 20463

763080

Dear Mr. Spiegel:

As per our conversation of Monday, October 18, please consider this letter a formal complaint concerning the enclosed brochure printed and widely distributed by an organization calling itself "TRIM." As you will note, the brochure states that TRIM organizations have been formed nationwide by the John Birch Society.

I am bringing this complaint under 2 U.S. Code 441D, amended May 1976. As you will note, this brochure expressly advocates the defeat of a candidate and also does not contain any statement that it is not printed and authorized by any candidate.

It would appear to me that this material is in direct violation of the above-cited section of the U.S. Code.

Very Truly Yours,



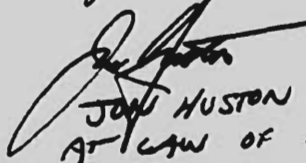
Robert C. Grant
114 E. Ridgewood Parkway
Denville, N.J. 07834

I swear that the above is true to the best of my knowledge. Dated 10-19-76

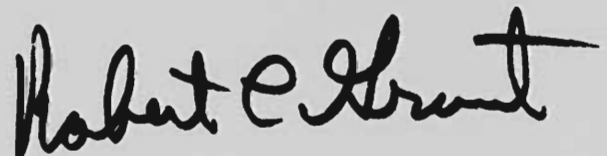
STATE OF N.J.

DATED: OCTOBER 19, 1976

WITNESSED by the subscriber, Robert C. Grant, to me known personally appeared and acknowledged and signed the above statement for the purposes aforesaid therein.



JOHN HUSTON - AN ATTORNEY
AT LAW OF NEW JERSEY



604023309

TRIM BULLETIN

Lower Taxes Through
Less Government

Northwest Jersey TRIM Committee

761 Brooklyn-Mountain Road, Maplewood, N.J. 07043 Phone 296-6117

James J. Hagan, Chairman

Camille Harwood, Secretary

Edward Bauer, Treasurer

Partial List of Sponsors:

John Anderson
John A. Brown
George J. Brown, Jr.
William J. Brown
Charles J. Brown
Frank J. Brown
Tom Gregory

John H. Brown
John H. Brown
John H. Brown
John H. Brown
John H. Brown
John H. Brown
John H. Brown

Robert E. Brown, D.D.
Robert E. Brown, D.D.
Robert E. Brown, D.D.
Robert E. Brown, D.D.
Robert E. Brown, D.D.
Robert E. Brown, D.D.
Robert E. Brown, D.D.

"Jobs" Programs Cause Layoffs

**Having the government
hire the unemployed
sounds easy.
But does it really
solve the problem?**

Nearly seven million of your fellow Americans are unemployed right now. Perhaps even your best friend was idled by a recent layoff at his company.

Who's to blame?

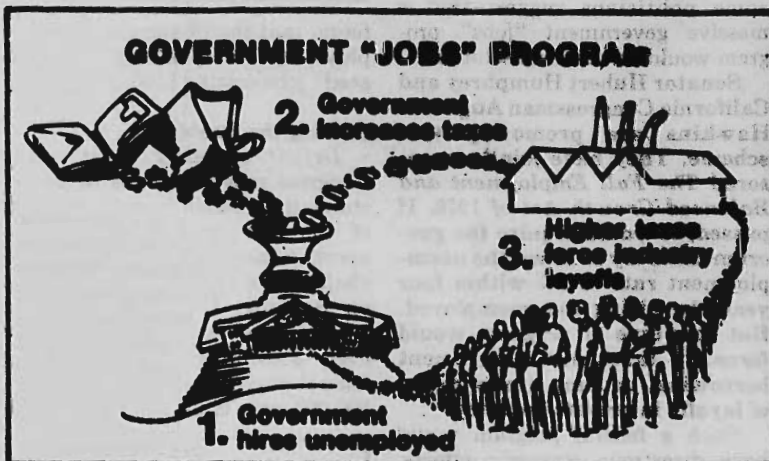
What caused the unemployment problem? And why have thousands of businesses either gone bankrupt or laid off productive workers?

The main culprit is the federal government. As we will see, there is a definite relationship between excessive government spending and the current unemployment crisis.

When Congress goes on a vote-buying, deficit spending spree, the government must find funds to pay the bills. It can get money from four primary sources: (1) taxpayers, (2) businesses, (3) private banks, or (4) from the Federal Reserve.

There simply is no such thing as real jobs creation through government programs — there is simply job transfer from the private to the public sector with a substantial loss to the treasury and to our economic growth.

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When big government saddles taxpayers and businesses with ever-increasing taxes, *individuals* are unable to accumulate savings which they would use to buy consumer goods or to invest; and businesses unable to accumulate capital cannot expand plant facilities or hire more workers. When individuals and businesses are strapped financially, they seek bank loans.

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The government also finances its deficits by selling bonds to the Federal Reserve. In "payment" for these bonds, the Federal Reserve simply expands credit and inflates the volume of dollars in circulation. And the increase in the money supply is the cause of inflation, as this automatically reduces the value of all other money in circulation.

Inflation is simply a "hidden tax" which places more and more strain

(Continued on next page)

"Jobs" Programs Cause Inflation and Unemployment

on industry and consumers.

The result of inflation and ever-higher taxes is staggering. Since 1965, after-tax business profits have dropped 50% and retained earnings for investment and expansion have plummeted 85%. Today America devotes a smaller percentage of its gross national product to capital investment than any other industrial nation in the world.

Why? Although the government has caused the unemployment problem, some politicians suggest that a massive government "jobs" program would be the solution.

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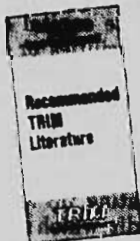
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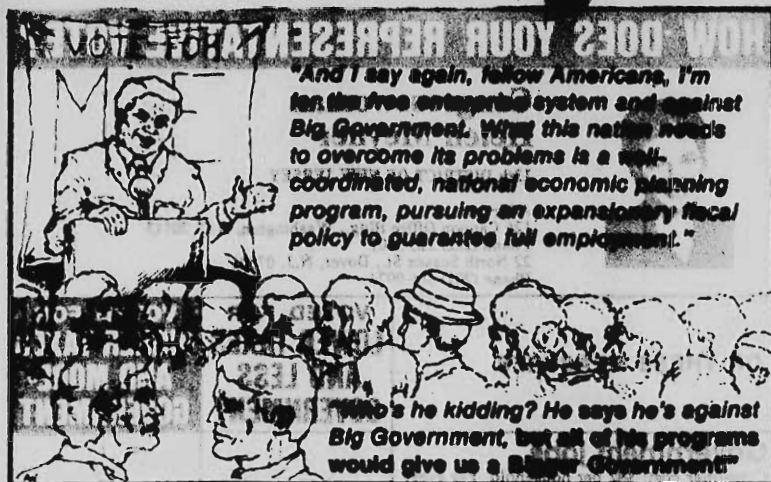
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addressed envelope

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- ☐ I'm fed up with high taxes and inflation. Please tell me how I can join your TRIM Committee.
- ☐ I've enclosed a donation to help print and distribute more TRIM Bulletins.
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— Grover Cleveland

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— Benjamin Franklin

The less government we have, the better — the fewer laws, and the less confided power.

— Ralph Waldo Emerson

HOW DOES YOUR REPRESENTATIVE VOTE?



**Congresswoman
Helen Meyner**

13th DISTRICT OF NEW JERSEY

Address:
126 Cannon Office Bldg., Washington, D.C. 20515
Phone (202) 225-5801
22 North Sussex St., Dover, N.J. 07801
Phone (201) 366-0974

ON THESE MEASURES

**VOTED FOR
LOWER TAXES
AND LESS
GOVERNMENT**

**VOTED FOR
HIGHER TAXES
AND MORE
GOVERNMENT**

Government jobs

Consumer cost: \$85 per household. For every job "created" by government, a job in private industry is destroyed. Big government is the cause of our unemployment problem. Yet, a majority in Congress continues to vote for Bigger Government. On this measure, the House voted 285 to 134 to spend \$6 billion to keep 200,000 unproductive workers on the government payroll. (H.R. 11463, Cong. Rec., 2/10/76, p. H308-H330.)

X

More government jobs

Consumer cost: \$95 per household. The House voted this time 219 to 89 to override a presidential veto and spend \$6.2 billion more to hire another 200,000 unproductive government workers. (H.R. 8347, Cong. Rec., 2/19/76, p. H1116-H1177.)

X

Balanced budget proposal

Proposed consumer saving: \$286 per household. This would have reduced federal spending by \$50 billion, thereby balancing the budget. Unfortunately, it was defeated 273-106 by an irresponsible and spendthrift Congress. (H.C.R. 619, Cong. Rec., 4/28/76, p. H3619-H3666.)

X

Federal debt increase

Consumer cost: \$439 per household. Voting 213-189, Congress increased the "temporary" debt limit to \$227 billion through June 30, 1976. Interest on the debt costs taxpayers over \$100 million per day — a consumer cost of \$337 per household annually. (H.R. 11893, Cong. Rec., 2/25/76, p. H1284-H1297.)

X

More foreign aid

Consumer cost: \$69 per household. Congress voted 214-182 to spend another \$5 billion in foreign aid, including \$65 million for the anti-U.S. and Communist-controlled United Nations. (H.R. 12308, Cong. Rec., 3/4/76, p. H1611-H1656.)

X

Nat'l. Science Foundation

Consumer cost: \$11 per household. Voting 358 to 33, Congress gave \$801 million to the NSF. \$1.4 million goes to fund a new program which requires school children to invade the privacy of the family. (H.R. 13568, Cong. Rec., 3/25/76, p. H2390-H3417.)

X

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October 28, 1976

Honorable Vernon W. Thompson, Chairman
Federal Elections Commission
1325 K Street, NW
Washington D.C., 20463

763303

Mr. Chairman:

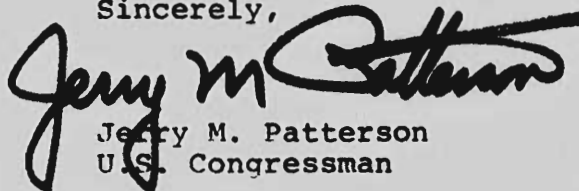
In the spirit of fair campaign practice and to ensure full compliance with the Federal Elections Campaign Act, I bring to your attention a violation of the law by my opponent in this 1976 election campaign.

It has come to my attention that my opponent, Mr. James Combs, has, as part of his effort to dissuade people in this district from voting for me, distributed numerous copies of a publication called TRIM. The TRIM "newsletter" is published independent of Mr. Combs' campaign by the Orange County Trim Committee, 1111 Town and Country Road, Suite 41, Orange, California, 92668.

The Jim Combs Crusade for Congress, the principal campaign committee for Mr. Combs, has not, in so far as I can determine, reported any expenditure to indicate that the newsletters were purchased from the Orange County Trim Committee. It seems fair to assume, therefore, that an "in-kind" contribution has been made to the Jim Combs Crusade for Congress, but no such contribution has been reported by the Combs Committee.

I formally request that the Commission investigate this matter as soon as possible.

Sincerely,



Jerry M. Patterson
U.S. Congressman

enclosure

cc: Ted Henshaw
Clerk of the House of Representatives
U.S. Congress
Washington, D.C., 20515

8101023314

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Committee to Re-elect Patterson to Congress
12763 Brookhurst
Golden Grove, Ca.

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Honorable Vernon W. Thompson, Chairman
Federal Elections Commission
1325 K Street, NW
Washington D.C., 20463



TRIM BULLETIN

Orange County TRIM Committee

1111 Team & Country Road - Suite 41 - Orange, California 92668 (714) 852-9771

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Lower Taxes Through
Less Government

"Jobs" Programs Cause Layoffs

Having the government
hire the unemployed
sounds easy.
But does it really
solve the problem?

Nearly seven million of your fellow Americans are unemployed right now. Perhaps even your best friend was idled by a recent layoff at his company.

Who's to blame?

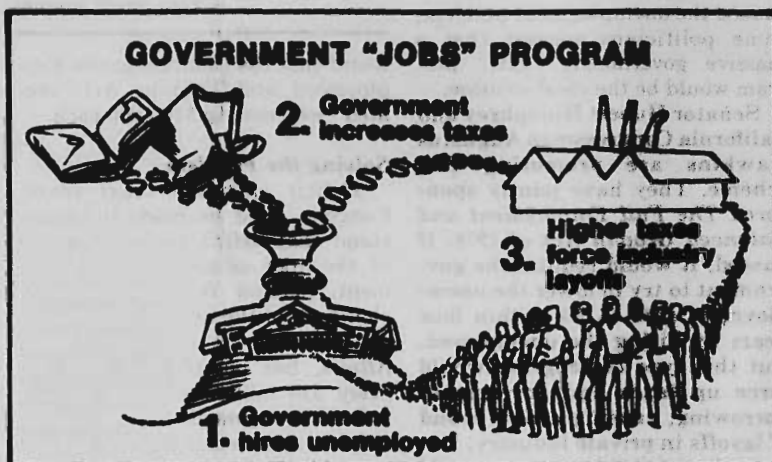
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(Continued on next page)

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begin for lack of money. That causes a direct loss of one million jobs and an indirect loss of two million more.

Regulatory agencies must be abolished. Government regulation is killing American business. In the past fifteen years, Congress has given birth to over 200 new regulatory agencies, bureaus, and commissions. The *Federal Register*, which prints the daily flow of new regulations, is a good indicator of their volume.

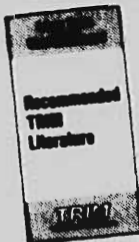
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Name _____
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"And I say again, fellow Americans, I'm for the free enterprise system and against Big Government. What this nation needs to overcome its problems is a well-coordinated, national economic planning program, pursuing an expansionary fiscal policy to guarantee full employment."

"Who's he kidding? He says he's against Big Government, but all of his programs would give us a Bigger Government!"

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HOW DOES YOUR RE. RESENTATIVE VOTE?



Congressman

JERRY M. PATTERSON

38th DISTRICT CALIFORNIA

507 Cannon Bldg.
Washington D.C. 20515
Local Phone (714) 835-3811

ON THESE MEASURES	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
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