



FEDERAL ELECTION COMMISSION

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

September 26, 1977

Mr. Tom Gullick
418 Elm Street
Mauston, Wisconsin 53948

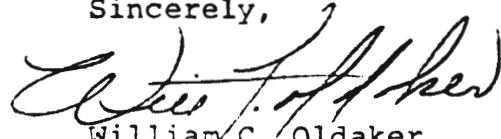
Re: MUR 352

Dear Mr. Gullick:

This is to inform you that, on September 22, 1977, the Commission voted to terminate its inquiry into violations of 2 U.S.C. Sections 433, 434(a), 434(e) and 441d which allegedly were committed by the Citizens Against Corrupt Government.

Although the Commission found that CACG did violate 2 U.S.C. Section 441d by not including a "non-authorization" statement in the newspaper advertisement which appeared in the Mauston Star on October 28, 1976, it determined that, under the circumstances of this case, further action against CACG would be inappropriate. Should you have any questions, please contact Vincent J. Convery, Jr., the attorney now assigned to the matter, at 202-523-4057.

Sincerely,


William C. Oldaker
General Counsel

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OFFICE OF GENERAL COUNSEL





FEDERAL ELECTION COMMISSION

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

September 26, 1977

Fred D. Hollenbeck, Esquire
Curran, Curran and Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352

Dear Mr. Hollenbeck:

This is to inform you that, on September 22, 1977, the Commission voted to terminate its inquiry into the matters raised in the complaint which you filed against the Citizens Against Corrupt Government on December 10, 1976.

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

Sincerely,


William C. Oldaker
General Counsel

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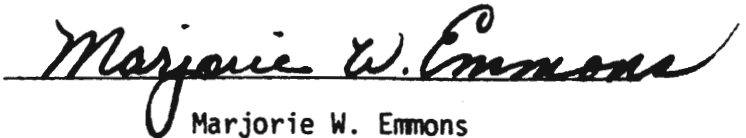
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Citizens Against)
Corrupt Government)

MUR 352 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 22, 1977, the Commission determined by a vote of 6-0 that no further action should be taken with respect to the Citizens Against Corrupt Government in the above-captioned matter, and that this case be closed.


Marjorie W. Emmons
Secretary to the Commission

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September 9, 1977

MUR 352(76)

This matter originated with a complaint filed by Fred C. Hollenbeck on December 10, 1976. The basis for that complaint was an advertisement which appeared in the Mauston (Wisconsin) Star newspaper on October 28, 1976. The advertisement consisted of a cartoon which depicted Gerald Ford embracing Richard Nixon, accompanied by the following text which purportedly was excerpted from a speech given by then Vice-President Ford on July 25, 1974: "I can say from the bottom of my heart that the President of the U. S. is innocent and he is right." Beneath the cartoon, there appeared a statement as follows: "PAID ADVERTISEMENT - Authorized and to be paid for by Citizens Against Corrupt Government, Box 175, Mauston, Wisconsin 53948."

On January 27, 1977, the Commission determined that the advertisement was a "communication which advocated the defeat of a clearly identified candidate" and found reason to believe that the group which had placed it, the Citizens Against Corrupt Government (CACG), had violated 2 U.S.C. §441d, in that they had not included within the advertisement a statement as to whether or not it had been authorized by any candidate. In addition, the Commission entered alternative findings as

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follows: a) If, in 1976, CACG had received contributions or had made expenditures in excess of \$1,000, then the Commission had reason to believe that CACG had violated 2 U.S.C. §433 in that they had not registered as a political committee, and had violated 2 U.S.C. §434(a) in that they had not filed any reports of receipts and expenditures.

b) If CACG had neither received nor spent more than \$1,000 in 1976, but had spent more than \$100 to purchase the newspaper advertisement, then the Commission had reason to believe that they had violated 2 U.S.C. §434(e) in that they had not reported the expenditure.

By letter dated January 31, 1977, the respondent was informed of the Commission's findings and was invited to present reasons why no further action should be taken. Subsequent communications with Mr. Tom Gullick and with Mrs. Gladys Miller, both members of CACG, have developed the following: CACG was not an organized political committee, but was an informal, ad hoc group that had made no expenditures in 1976 other than what had been spent on the Nixon-Ford advertisement. Mr. Gullick had had a principal role in the placing of the ad, the total cost of which had been \$46.80. The master copy of the ad was a poster which had been printed and distributed by the American Federation of State, County and Municipal Employees (ASFCME). AFSCME had mailed the poster to Mrs. Miller, the

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President of AFSCME Local 2758, in October, 1976. The idea of reprinting the poster in the local paper had originated with Mrs. Miller and other members of CACG. AFSCME had in no way suggested or promoted such use of the poster. Mr. Gullick maintained that the 441d "authorization" statement had been omitted inadvertently, and offered to take whatever action necessary to comply with the FECA.

This office requested additional information from AFSCME in a letter dated May 20, 1977. That information was conveyed to us by way of the affidavit of Philip C. Hubble, who, as Assistant Director of AFSCME's Business Office, has responsibility for overseeing the printing and mass mailing operations of that Union.

According to Mr. Hubble, AFSCME prepared the Nixon-Ford poster and distributed it to various Union officers (i.e., to all International Vice-Presidents; to the Directors of each International Union Area; to the Chief Executive Officer of each AFSCME Council; and to the President of each local). Certain "incidental" distribution had been made to staff members at AFSCME's Washington, D.C. headquarters. No intentional distribution had been made to members of other unions or to members of the general public.

Mr. Hubble stated that the costs of preparing and distributing the poster, which amounted to approximately \$983.73, had not been reported to the Commission.

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II. Discussion and Recommendation:

A. As to Citizens Against Corrupt Government:

2 U.S.C. §431 (d) defines a Political committee as "any committee, club, association, or other group of persons which receives contributions, or makes expenditures, during a calendar year in an aggregate amount exceeding \$1,000." Such a political committee is required by 2 U.S.C. §433 to file a statement of organization with the Commission, and is required by 2 U.S.C. §434 to file various reports of receipts and expenditures.

A group which fails to qualify as a political committee, but which makes contributions or independent expenditures of more than \$100 in a calendar year in advocating the election or defeat of a clearly identified candidate, is required by 2 U.S.C. §434 (e) to report those contributions or expenditures to the Commission.

Since CACG met neither the \$1,000 nor the \$100 thresholds, they were not required to register with the Commission nor were they required to file reports of receipts and expenditures or reports of independent expenditures.

It is clear that the advertisement which appeared in the Mauston Star on October 28, 1976, did not include the "authorization" statement required by 2 U.S.C. §441d, and that the Citizens Against Corrupt Government had violated the FECA in omitting it. However, because the advertisement did contain

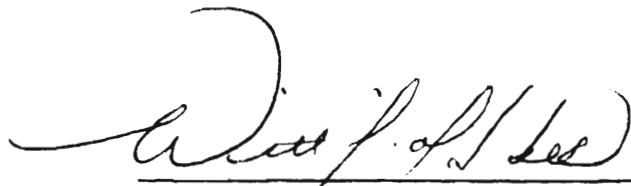
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an "authorized and paid for" statement which identified its purchaser, because CACG early in this investigation admitted and accepted responsibility for the omission, and because CACG demonstrated a willingness to take whatever action necessary to effect compliance with the FECA, we are moved to accept their assertion that the omission of the "authorization" statement was inadvertent.

With respect to the Citizens Against Corrupt Government, we recommend that no further action be taken, that the matter be closed and that the attached letters be sent to the respondent and to the complainant.

B. The issues as to the American Federation of State, County and Municipal Employees are being presented to the Commission in a separate report. Since we are recommending closing the file as to CACG, and since AFSCME's involvement in this MUR was only peripheral, we think it is appropriate to deal with it separately.

9/14/77
DATE


WILLIAM C. OLDAKER
GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

Fred D. Hollenbeck, Esquire
Curran, Curran and Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352

Dear Mr. Hollenbeck:

This is to inform you that, on September , 1977, the Commission voted to terminate its inquiry into the matters raised in the complaint which you filed against the Citizens Against Corrupt Government on December 10, 1976.

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

Sincerely,

William C. Oldaker
General Counsel



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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

Mr. Tom Gullick
418 Elm Street
Mauston, Wisconsin 53948

Re: MUR 352

Dear Mr. Gullick:

This is to inform you that, on September , 1977, the Commission voted to terminate its inquiry into violations of 2 U.S.C. Sections 433, 434(a), 434(e) and 44ld which allegedly were committed by the Citizens Against Corrupt Government.

Although the Commission found that CACG did violate 2 U.S.C. Section 44ld by not including a "non-authorization" statement in the newspaper advertisement which appeared in the Mauston Star on October 28, 1976, it determined that, under the circumstances of this case, further action against CACG would be inappropriate. Should you have any questions, please contact Vincent J. Convery, Jr., the attorney now assigned to the matter, at 202-523-4057.

Sincerely,

William C. Oldaker
General Counsel



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MEMORANDUM TO: Marge Marston
FROM: Elissa F. Carr
SUBJECT: MUR 352

Please have the attached General Counsel's Report on MUR 352 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of September 22, 1977.

Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

June 9, 1977

In the Matter of)

Citizens Against Corrupt
Government)

MUR 352 (76)

GENERAL COUNSEL'S REPORT

I. Allegations

This matter arises out of a complaint filed with the Federal Election Commission on December 10, 1976, by Fred D. Hollenbeck. Complainant contended that the Citizens Against Corrupt Government Committee ("CACGC") was not properly formed and that a newspaper advertisement taken by the group failed to adequately state that it had not been authorized by any candidate.

II. Evidence

A. Newspaper Advertisement

The advertisement consisted of a cartoon showing Gerald Ford embracing Richard Nixon with the accompanying text consisting of a quote from a July 25, 1975 Ford speech in which he said "I can say from the bottom of my heart-- the President of the U.S. is innocent, and he is right." The advertisement appeared in the Mauston Star newspaper (Mauston, Wisconsin) on or about October 28, 1976.

The Commission reviewed the complaint and advertisement and concluded that the content of the advertisement (picturing Ford in a obviously negative manner) and its context (appearing

Withdrawn
by GC
6-15-77

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four days before the presidential election) indicated that the advertisement apparently was intended expressly to advocate the defeat of a clearly identified candidate. Thus, the Commission found reason to believe that the authority notice on the advertisement had failed to satisfy 2 U.S.C. §441d since it did not state whether or not the advertisement had been authorized by any candidate. The Commission further found reason to believe that CACGC was not a registered or reporting political committee as provided in 2 U.S.C. §§433 and 434. In the alternative, the Commission found that if CACGC in 1976 spent in excess of \$100 but less than \$1,000 to purchase the advertisement, then CACGC had failed to file the report of independent expenditures as required by 2 U.S.C. §434(e).

On January 31, 1977, a letter containing the Commission's findings was sent to the respondent and on February 10, 1977, Mr. Tom Gullick accepted delivery for CACGC. On the same day Mr. Gullick telephoned the Commission and stated that: CACGC was not an organized political committee, the advertisement had been derived from a poster prepared by a labor union, the advertisement had cost only a nominal amount and CACGC had not made any other contributions or expenditures in 1976, CACGC had inadvertently omitted the 2 U.S.C. §441d notice, and the group wished to do everything necessary to bring itself into compliance with the Act. The staff advised Mr. Gullick to set forth this information in his reply and to

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copy of the receipted bill. On February 17, 1977, the Commission received Mr. Gullick's response and a cover letter from his attorney. (See Attachments #1 and #2). Mr. Gullick stated that the total collected and spent by the group had been \$46.80 and included a copy of the bill for the advertisement. (See Attachment #3). He further stated that "[t]he ad is a poster that was distributed by the AFL-CIO, so we wanted it in the newspaper." In a telephone conversation with this Office on March 10, 1977, Mr. Gullick added that the bill for \$46.80 from the Mauston Star included all costs related to the printing, e.g. the cost of preparing the mat. He stated that advertisements generally cost \$10 to \$15 if the advertiser had a previously prepared mat.

B. Union Activity

During the course of the staff investigation of this matter it was learned that the Nixon-Ford poster on which the advertisement was based had been sent to one of the members of CACGC, who was an officer of a local of the American Federation of State, County and Municipal Employees ("AFSCME"). As a result of the Commission's discussion at the meeting on March 9, 1977, this Office was directed to obtain additional information on the nature of the union's involvement in the distribution of the Nixon-Ford poster and the uses which had been made of the poster.

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Accordingly, the Commission staff contacted Mr. Gullick by telephone on March 10, 1977, and was informed that AFSCME had distributed the poster for appropriate display, that AFSCME had not indicated in any way that the posters should be used in any public political advertisement and that the decision of the individuals in CACGC to purchase the newspaper advertisement had been undertaken independently from AFSCME's direction. This Office also wrote to Ms. Gladys Miller (the union officer who was the recipient of the poster) to request additional information. On April 19, 1977, the Commission received Ms. Miller's sworn statement (a copy of which was included with the May 2, 1977 General Counsel's Report on this matter). Ms. Miller's affidavit stated that she was the president of Local #2758 of AFSCME and that in October of 1976 she received the poster from AFSCME without any accompanying directions as to how it should be used. Ms. Miller also stated that "AFSCME had nothing to do with [the] publication" of the advertisement in the local newspaper.

On May 20, 1977, the Commission sent a letter to Larry Weinberg, the attorney for AFSCME, requesting additional information about the publication and distribution of the poster. In response, Mr. Weinberg submitted on June 6, 1977 an affidavit by Phillip C. Hubble, Assistant Director of the Business Office of AFSCME. (See Attachment #4). Mr. Hubble stated that the Nixon-Ford poster had been prepared (at a cost

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of \$383.73) and distributed (at a cost of \$600 in postage at the direction of AFSCME. Mr. Hubble went on to state that

[t]he Nixon-Ford poster was distributed to all International Vice-Presidents of AFSCME, the chief executive officer of each AFSCME council, the president of each AFSCME local and each AFSCME International Union Area Director. There were certain incidental distributions to AFSCME staff members at the AFSCME headquarters in Washington, D.C. There was no intentional distribution by AFSCME of the Nixon-Ford poster to members of other unions or other members of the general public.

III. Analysis and Recommendation

A. Newspaper Advertisement

It is provided in 2 U.S.C. §431(d) that a political committee is "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in the aggregate amount exceeding \$1,000". Such a political committee is obligated to register and report as provided in 2 U.S.C. §§433 and 434. It is provided in 2 U.S.C. §434(e) that if a group fails to qualify as a political committee, but spends in excess of \$100 in a calendar year, then the group is required to file the report of independent expenditures provided in 2 U.S.C. §434(e). However, in this case CACGC neither met the \$1,000 nor the \$100 threshold. Thus, in view of the fact that the cost of the advertisement was only \$46.80 and the complainant did not allege that any other amounts were expended by CACGC, it is clear that the group was not required to

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register and report as a political committee. CACGC further does not appear to be affiliated with any labor organization and thus there is no reporting obligation on such organization's part.

It is uncontroverted that CACGC failed to state in its advertisement whether the advertisement was authorized or unauthorized by any candidate, his authorized political committee, or its agents. However, there appears to have been satisfactory voluntary compliance in this matter since CACGC's spokesman has admitted that the ommission was inadvertent, is now aware of the 2 U.S.C. §44ld notice of authority requirement, and is willing to comply with this provision in the future.

B. Union Activity

In general, a labor organization is prohibited by 2 U.S.C. §44lb from making an expenditure in connection with an election. However, it is further provided in 2 U.S.C. §431(f)(4)(c) that a communication by a membership organization to its members will not be treated as an "expenditure." A membership organization (which includes a labor organization) is in compliance with the provisions so long as it is not organized primarily to influence a Federal election. The organization also is under no obligation to report to the Commission the costs directly attributable to any communication which expressly advocates the election or defeat of a clearly identified candidate, provided that these costs do not exceed \$2,000 per

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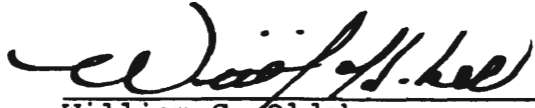
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election. See 2 U.S.C. §431(f)(4)(c) and §114.5(e)(1) and (2) of the Commission's Regulations.

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In this case, AFSCME apparently followed a reasonable procedure for insuring that the poster would be distributed to only its members and does not appear to have included anything with the posters which would indicate that the posters were intended for circulation or display to a wider audience. Accordingly, the posters must be presumed to have been intended solely for internal use and therefore, do not come within the definition of expenditure provided in 2 U.S.C. §431(f). Further, as the total cost which is directly attributable to this communication (\$983.73) is less than \$2,000, AFSCME was not under an obligation to report this communication cost to the Commission.

IV Conclusion

We recommend that the matter be closed and the attached letters be sent.



William C. Oldaker
General Counsel

DATE: 6/13/77

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ATTACHMENT #1

Roland W. Vieth
Jay C. Feldman, Jr.
John T. Eakins

Attorneys at Law

Phone 608 843-2481
or 847-4656

Vieth, Feldman & Eakins

77 FEB 17 AM 10:05

Loomis Building
235 E. State Street
Mauston, Wisconsin 53948

770059

February 14, 1977

Mr. David L. Anderson
Federal Election Commission
1325 K Street NW
Washington, D.C. 20463

Dear Mr. Anderson:

Re Tom Gullick, 418 Elm St., Mauston, Wisconsin 53948

I am enclosing my letter only to inform you that I have reviewed this matter with Mr. Gullick and that the information that he has set forth in this letter has been verified by me to be correct.

I have legally advised Mr. Gullick that there was no State of Wisconsin filing required and that Federal law covered this subject. I have further informed him that on reading the provisions of the applicable Federal law, it is my opinion that unless the organization spent over \$100 there was no reporting requirement. I have also indicated that I thought a possible technical violation might have been involved with respect to the failure to make a name identification with address of a responsible officer or person of the group sponsoring the ad.

Yours very truly,

VIETH, FELDMAN & EAKINS

Roland W. Vieth
ROLAND W. VIETH

RWV:jlh

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ATTACHMENT #2

Tom Gullick
418 Elm St.
Mauston, Wis. 53948

David L. Anderson
Federal Election Commission
1325 K Street NW
Washington D.C. 20463

Dear Mr. Anderson:

As per phone conversation Feb. 10, 1977 requesting a letter explaining MUR 352 (76) , I regret that the names of the people associated with the committee was inadvertently not included. The total collected and spent by the group was \$46.80. The ad was run in the local newspaper the Thursday before the election (Nov. 2, 1976) and it wasn't thought we had to inform you. The ad is a poster that was distributed by the AFL-CIO , so we wanted it in the newspaper. We intend to comply fully with the law so please let me know if there is anything else I can do.

Tom Gullick
Tom Gullick
Ph. 608-847-4670

encl: ad bill

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In Account With
JUNEAL COUNTY PUBLISHERS

Laurence L. Arnold & Kenneth J. Bogert

Mauston, Wisconsin

ATTACHMENT #3

11-8

1976

Citizens Against Cor. Gov.

Box 175

Mauston, Wis.

Rec'd. on acc't.

46 80

Pd.
f.x.

1% PER MONTH CARRYING CHARGE
ADDED TO AMOUNT DUE
Computed at the End of Each Month Until
Full Amount Is Paid.

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ZWERDLING AND MAURER

1211 CONNECTICUT AVENUE, N.W.

WASHINGTON, D. C. 20036

(202) 223-6374

ATTACHMENT # 4

A. L. ZWERDLING **
GEORGE M. MAURER, JR. **
LARRY P. WEINBERG **
JANET KOHN *
WENDY L. KAHN *
JOHN C. DEMPSEY **
MICHAEL T. LEIBIG **
RONALD H. JANETZKE **
GEORGE D. WASHINGTON **
JAMES M. O'REILLY *
KENNETH W. KALLS *
JUDITH A. SCOTT **

* D.C. * MICH. * OHIO * VA.
* MASS. * ILL. * KY.

MICHIGAN OFFICE
FIRST NATIONAL BUILDING
DETROIT, MICHIGAN 48226
(313) 985-7000

OHIO OFFICE
301 S. KETTERING BLVD.
DAYTON, OHIO 45439
(513) 264-0033

June 2, 1977

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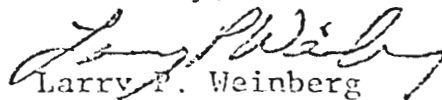
William C. Oldaker, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 352

Dear Mr. Oldaker:

This is in response to your letter of May 20, 1977, requesting that our client, the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) submit an affidavit answering certain questions set forth in your letter. Enclosed please find the affidavit of Philip C. Hubble, the Assistant Director of AFSCME's Business Office which I believe should provide all the information you need to dispose of this matter. Please advise if anything further is needed.

Sincerely,



Larry P. Weinberg
Office of the General Counsel
AFSCME, AFL-CIO

LPW/af

Enclosure

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Tom Gullick
Citizens Against Corrupt
Government Committee
418 Elm Street
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Dear Mr. Gullick:

On June , 1977, the Commission voted to terminate its inquiry into alleged violations of 2 U.S.C. §§433, 434, and 441d by the Citizens Against Corrupt Government Committee. The Commission determined that there has been satisfactory voluntary compliance with the provisions of the Federal Election Campaign Act of 1971, as amended.

A copy of the certification of the Commission's action and the General Counsel's Report is enclosed for you information. If you have any questions, please contact David L. Anderson (telephone no. 202/523-4175), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

cc: Roland W. Vieth, Esquire
Vieth, Feldman & Eakins
Loomis Building
235 E. State Street
Mauston, Wisconsin 53948



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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred D. Hollenbeck, Esquire
Curran, Curran & Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352(76)

Dear Mr. Hollenbeck:

On June , 1977, the Commission voted to terminate its inquiry into alleged violations of 2 U.S.C. §§433, 434, and 441d by the Citizens Against Corrupt Government Committee. The Commission determined that there has been satisfactory voluntary compliance with the provisions of the Federal Election Campaign Act of 1971, as amended.

A copy of the certification of the Commission's action and the General Counsel's Report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone no. 202/523-4175), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

Mr. Larry P. Weinberg, Esquire
Office of the General Counsel
AFSCME, AFL-CIO
c/o Zwerdling and Maurer
1211 Connecticut Avenue, N.W.
Washington, D.C. 20036

Dear Mr. Weinberg:

On June , 1977, the Commission voted to terminate its inquiry into possible violations of the Federal Election Campaign Act of 1971, as amended, ("the Act") by the American Federation of State, County and Municipal Employees. The Commission concluded that there is no reason to believe that the respondents committed a violation of the Act.

A copy of the certification of the Commission's action and the General Counsel's Report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone no. 202/523-4175), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

City of Washington)
)
District of Columbia)

AFFIDAVIT

Philip C. Hubble, being duly sworn, deposes and states as follows:

1. I am now, and have been since 1974, the Assistant Director of the Business Office of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). In that capacity I have responsibility for overseeing the printing operations of AFSCME as well as its mass mailing operations.

2. In my official capacity, I have personal knowledge of the circumstances of the preparation and distribution of what became known as the "Nixon-Ford poster", a copy of which is attached hereto.

3. The Nixon-Ford poster was prepared by and at the direction of AFSCME.

4. The cost of preparing the Nixon-Ford poster was Three Hundred and Eighty-Three Dollars and Seventy-Three Cents (\$383.73).

5. The Nixon-Ford poster was distributed by and at the direction of AFSCME.

6. The approximate cost of distributing the Nixon-Ford poster was Six Hundred Dollars (\$600) in postage.

7. The Nixon-Ford poster was distributed to all International Vice-Presidents of AFSCME, the chief executive officer of each AFSCME council, the president of each AFSCME local and each AFSCME International Union Area Director. There were certain incidental distributions to AFSCME staff members at the AFSCME headquarters in Washington, D.C. There was no intentional distribution by AFSCME of the Nixon-Ford poster to members of other unions or other members of the general public.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 7 0 4 0 0 5 1 1 7 7

8. The costs of preparing and distributing the Nixon-Ford poster were not reported to the Commission.

Philip C. Hubble
Philip C. Hubble

Subscribed and sworn to before me this 1st day of June,
1977.

Mary Alice McDonough
Notary Public

My Commission Expires Aug. 31, 1980

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

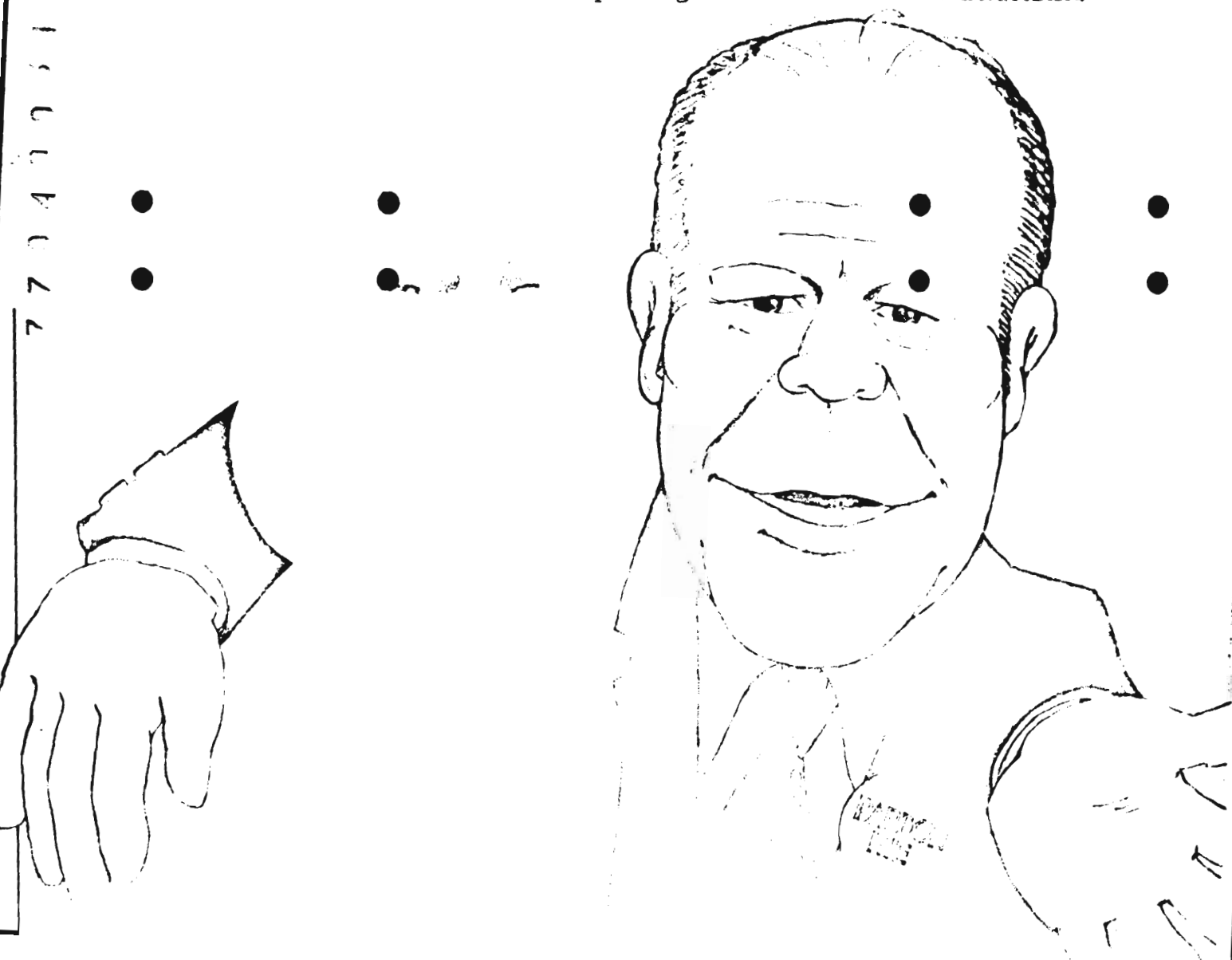
Vice President
Gerald Ford

"I can say from the
bottom of my heart - the
President of the U.S.
is innocent, and he
is right."

July 25, 1974

Muncie, Indiana

(Ford speaking of then President Richard M. Nixon)



77040031173

Sec #603

LAW OFFICES
ZWERDLING AND MAURER
1211 CONNECTICUT AVENUE, N. W.
WASHINGTON, D. C. 20036
(202) 223-6374

A. L. ZWERDLING **
GEORGE M. MAURER, JR. **
LARRY P. WEINBERG **
JANET KOHN *
WENDY L. KAHN *
JOHN C. DEMPSEY *
MICHAEL T. LEIBIG *
RONALD H. JANETZKE *
GEORGE B. WASHINGTON **
JAMES M. O'REILLY *
KENNETH W. KALLS *
JUDITH A. SCOTT **

* D.C. * MICH. * OHIO * VA.
- MASS. - ILL. - NY.

MICHIGAN OFFICE
FIRST NATIONAL BUILDING
DETROIT, MICHIGAN 48226
(313) 965-7090

OHIO OFFICE
3101 S. KETTERING BLVD.
DAYTON, OHIO 45439
(513) 294-0083

June 2, 1977

771730

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

Re: MUR 352

Dear Mr. Oldaker:

This is in response to your letter of May 20, 1977, requesting that our client, the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) submit an affidavit answering certain questions set forth in your letter. Enclosed please find the affidavit of Philip C. Hubble, the Assistant Director of AFSCME's Business Office which I believe should provide all the information you need to dispose of this matter. Please advise if anything further is needed.

Sincerely,



Larry P. Weinberg
Office of the General Counsel
AFSCME, AFL-CIO

LPW/nf

Enclosure

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040031170

City of Washington)
)
District of Columbia) ss

AFFIDAVIT

Philip C. Hubble, being duly sworn, deposes and states as follows:

1. I am now, and have been since 1974, the Assistant Director of the Business Office of the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME). In that capacity I have responsibility for overseeing the printing operations of AFSCME as well as its mass mailing operations.

2. In my official capacity, I have personal knowledge of the circumstances of the preparation and distribution of what became known as the "Nixon-Ford poster", a copy of which is attached hereto.

3. The Nixon-Ford poster was prepared by and at the direction of AFSCME.

4. The cost of preparing the Nixon-Ford poster was Three Hundred and Eighty-Three Dollars and Seventy-Three Cents (\$383.73).

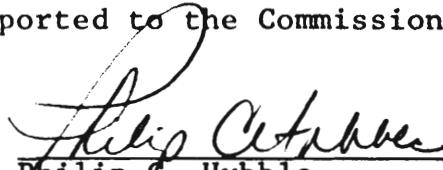
5. The Nixon-Ford poster was distributed by and at the direction of AFSCME.

6. The approximate cost of distributing the Nixon-Ford poster was Six Hundred Dollars (\$600) in postage.

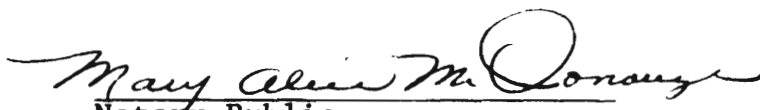
7. The Nixon-Ford poster was distributed to all International Vice-Presidents of AFSCME, the chief executive officer of each AFSCME council, the president of each AFSCME local and each AFSCME International Union Area Director. There were certain incidental distributions to AFSCME staff members at the AFSCME headquarters in Washington, D.C. There was no intentional distribution by AFSCME of the Nixon-Ford poster to members of other unions or other members of the general public.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

8. The costs of preparing and distributing the Nixon-Ford poster were not reported to the Commission.


Philip C. Hubble

Subscribed and sworn to before me this 1st day of June,
1977.


Notary Public

My Commission Expires Aug. 31, 1980

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

May 26, 1977

MEMORANDUM TO:

THE FILE

FROM:

DAVE ANDERSON

SUBJECT:

MUR 352

DA

On Thursday, May 26, 1977, at approximately 3:45p.m., I returned a call from Larry Weinberg (223-6374).

Mr. Weinberg stated that the Commission's letter of May 20, 1977 had been turned over to AFSCME, but that it might take slightly more than ten days to obtain the requisite cost information. I said that this would be fine so long as AFSCME did not take an unreasonable long time to respond.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77004118

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

6C

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

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

☒ **Show to whom and date delivered..... 13¢**

☐ **Show to whom, date, & address of delivery.. 33¢**

☐ **RESTRICTED DELIVERY.**
Show to whom and date delivered..... 65¢

☐ **RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr. WEINBERG. *MUR 352*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>938456</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Ante Lopez

4. DATE OF DELIVERY **POSTMARK**

MAY 23 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO: 1976-O-280-098

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

20 MAY 1977

Mr. Larry P. Weinberg, Esquire
1211 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MR 352

Dear Mr. Weinberg:

It has come to the attention of the Commission that in October of 1976 the American Federation of State, County and Municipal Employees ("AFSCME") distributed a Nixon-Ford poster similar to the enclosed photocopy. Certain uses of this poster are currently under investigation by this Office and accordingly, we have numbered this matter as MR 352. Please refer to this number in all future correspondence.

To facilitate the conduct of this investigation, we request that your client submit an affidavit which fully answers the following questions:

- (1) Were the Nixon-Ford posters prepared by or at the direction or request of:
 - (a) AFSCME;
 - (b) the political action committee of AFSCME.
- (2) If the answer to any part of the question (1) is yes, state the cost of preparing the posters.
- (3) Were the Nixon-Ford posters distributed by or at the direction or request of:
 - (a) AFSCME;
 - (b) the political action committee of AFSCME.
- (4) If the answer to any part of question (3) is yes, state the cost of distributing the posters.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040031184

(5) State to whom the Nixon-Ford posters were distributed. In particular, were they distributed to:

- (a) members of local unions affiliated with AFSCME;
- (b) members of local unions not affiliated with AFSCME;
- (c) any individual who requested a copy from AFSCME or its affiliates;
- (d) certain elements of the general public on either a random or deliberate basis.

(5) State whether the costs of preparing or distributing the Nixon-Ford poster were reported to the Commission. If so, also include the name of the political committee under which these reports were filed.

Please submit your response within ten days after the receipt of this letter, along with any other factual or legal materials you deem relevant to our inquiry. Where possible, please supply sworn statements by individuals having personal knowledge of the facts alleged.

Please note that 2 U.S.C. §437g(a)(3) generally enjoins any person from making public the fact of "any notification or investigation" by the Commission. 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. 202/523-4175). Please contact him if you have any questions.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

DAnderson:dks:4/29/77 *DA*

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

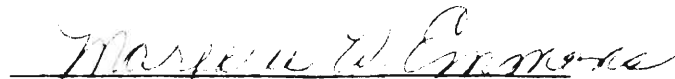
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Citizens Against Corrupt)
Government)

MUR 352 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 10, 1977, the Commission adopted the recommendation of the General Counsel that the letter, requesting additional information, attached to the staff report dated May 2, 1977, regarding the above-captioned matter, be sent.



Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040061183

May 10, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

SUBJECT: MUR 352 (76)

The above-mentioned document was transmitted to the Commissioners at 9:00 a.m., May 9, 1977.

As of 9:00 a.m., May 10, 1977, no objections have been received to the staff recommendation in the report dated May 2, 1977 regarding MUR 352 (76).

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040061187

May 6, 1977

MEMORANDUM TO: Marge Hanson
FROM: Charles W. Steele
SUBJECT: MUR 352 (76)

Would you please distribute the attached
to the Commission on a 24 hour no-objection basis.

Attachment

pwb 5/6/77

cc: Bart

✓ cc: Dave Anderson

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040031188

BEFORE THE FEDERAL ELECTION COMMISSION

May 2, 1977

In the Matter of)
Citizens Against Corrupt) MUR 352(76)
Government)

I. Background: This matter involves a complaint which alleged that the Citizens Against Corrupt Government Committee ("CACGC") was not properly formed and that a newspaper advertisement taken by the group failed to adequately state that it had not been authorized by any candidate. During the course of the staff investigation it was learned that the Nixon-Ford poster on which the advertisement was based had been sent to one of the members of CACGC, who was an officer of the local union. As a result the Commission's discussion at the meeting on March 9, 1977, the Office was directed to obtain additional information on the nature of the union's involvement in the distribution of the Nixon-Ford poster. Accordingly, a letter was sent to Ms. Gladys Miller (the union official) which requested information on this matter. (See Attachment #1). On April 19, 1977, the Commission received Ms. Miller's answer. (See Attachment #2).

II. Recommended Action: The Commission is requested to approve on a no objection basis the sending of the attached letter to the labor union.

DATE: 5/3/77

William C. Oldaker
William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry P. Weinberg, Esquire
1211 Connecticut Avenue, N.W.
Washington, D.C. 20036

Re: MUR 352

Dear Mr. Weinberg:

It has come to the attention of the Commission that in October of 1976 the American Federation of State, County and Municipal Employees ("AFSCME") distributed a Nixon-Ford poster similar to the enclosed photocopy. Certain uses of this poster are currently under investigation by this Office and accordingly, we have numbered this matter as MUR 352. Please refer to this number in all future correspondence.

To facilitate the conduct of this investigation, we request that your client submit an affidavit which fully answers the following questions:

- (1) Were the Nixon-Ford posters prepared by or at the direction or request of:
 - (a) AFSCME;
 - (b) the political action committee of AFSCME.
- (2) If the answer to any part of the question (1) is yes, state the cost of preparing the posters.
- (3) Were the Nixon-Ford posters distributed by or at the direction or request of:
 - (a) AFSCME;
 - (b) the political action committee of AFSCME.
- (4) If the answer to any part of question (3) is yes, state the cost of distributing the posters.



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

(5) State to whom the Nixon-Ford posters were distributed. In particular, were they distributed to:

- (a) members of local unions affiliated with AFSCME;
- (b) members of local unions not affiliated with AFSCME;
- (c) any individual who requested a copy from AFSCME or its affiliates;
- (d) certain elements of the general public on either a random or deliberate basis.

(6) State whether the costs of preparing or distributing the Nixon-Ford poster were reported to the Commission. If so, also include the name of the political committee under which these reports were filed.

Please submit your response within ten days after the receipt of this letter, along with any other factual or legal materials you deem relevant to our inquiry. Where possible, please supply sworn statements by individuals having personal knowledge of the facts alleged.

Please note that 2 U.S.C. §437g(a)(3) generally enjoins any person from making public the fact of "any notification or investigation" by the Commission. 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. 202/523-4175). Please contact him if you have any questions.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

cc: Ms. Linda Wray
American Federation of State, County
and Municipal Employees
1625 L Street, N.W.
Washington, D.C. 20036

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

April 11, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTEDMs. Gladys Miller
Box 25
Elroy, Wisconsin 53929Re: MUR 352

Dear Ms. Miller:

It is my understanding that on March 10, 1977, David Anderson of this office telephoned you with regards to your labor organization's involvement in the distribution of the Nixon-Ford poster which subsequently appeared in the October 28, 1976 edition of the Mauston Star.

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

- (1) State the office which you hold in the Wisconsin Council of State, County and Municipal Employees, Local #2758.
- (2) State the approximate date when you received the package which contained the Nixon-Ford poster that was later printed in the Mauston Star.
- (3) State the approximate contents of this package and summarize as best you can any directions enclosed in the package which described or directed how the package's contents should be utilized. In particular, state whether these contents were to be used to influence the members of your labor organization, some other group, or the general public.
- (4) Did these directions expressly suggest, direct, or in anyway encourage you to have the Nixon-Ford poster reprinted as an advertisement in a local newspaper?

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

(5) State to the best of your knowledge, whether this package was sent to you from the Wisconsin Council of State, County and Municipal Employees; the American Federation of State, County and Municipal Employees; the COPE affiliate of the State organization; the COPE affiliate of the national organization; or AFL-CIO COPE.

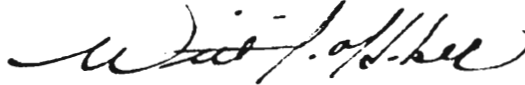
(6) State the name, title, organization, and address of any person who you believe could provide the Commission with definite information on the distribution of the package containing the Nixon-Ford poster.

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

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3). 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. 202-523-4061). Please contact him if you have any questions.

Sincerely yours,



William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77 APR 19 AM 10:51

ATTACHMENT #2

April 14, 1977

771249

Wm. C. Oldaker
General Counsel

David L. Anderson
Attorney
Federal Election Commission
1325K St. N.W.
Washington, D.C.

In reply to your letter dated April 11, 1977, RE. MUR 352:

- 1.) ~~None~~ *Plunder*
- 2.) Oct. 1976
- 3.) One poster with no instructions
- 4.) No, A.F.S.C.M.E. had nothing to do with *publication*
- 5.) Sent from: International Org. A.F.S.C.M.E.
Jerry Wurf, President
1625 "L" Street N.W.
Wash., D.C. 20036
(202-452-4901)
Att. Linda Wray
Bill Walsh's Admin. Ass't.
- 6.) See # 5

Sincerely Yours,

Gladys Miller
Gladys Miller

Subscribed and sworn to before me

this 14th day of April, 1977

Thomas H. Gullick
Thomas H. Gullick, Notary Public
Juneau County, Wisconsin, Clerk
My Commission expires 3-1-81

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77124961191

President
Gerald R. Ford

I can say from the
bottom of my heart—the
President of the U.S.
is innocent, and he
is right.

July 25, 1974

Muncie, Indiana

(Ford speaking of then President Richard M. Nixon)



(PAID ADVERTISEMENT — Authorized and to be paid for by
Against Corrupt Government Committee, Box 173, Houston, Texas)

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

5/4/77

MEMORANDUM TO:

THE FILE

FROM:

DAVE ANDERSON

DA

SUBJECT:

MUR 352

On Tuesday, May 3, 1977 at approximately 4:45 p.m. I received a call from Larry P. Weinberg, an attorney who represents the American Federation of State, County and Municipal Employees ("AFSCME"). Apparently Ms. Miller had contacted her local union with regard to this matter and it in turn had notified the national office.

During the course of the conversation Mr. Weinberg stated that the Nixon-Ford posters had been sent only to the heads of local unions with directions that these be displayed in local union halls. I stated that I recently had prepared a letter inquiring along these lines for AFSCME to respond to by affidavit. Mr. Weinberg stated that he would be happy to handle this matter on behalf of his client and that the letter should be sent to:

Larry P. Weinberg, Esquire
1211 Connecticut Avenue N.W.
Suite 502
Washington, D.C. 20036

Phone no. 223-6374



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

May 2, 1977

MEMORANDUM TO:

THE FILE

FROM:

DAVID L. ANDERSON *DA*

SUBJECT:

MUR 352(76)

In response to his letter of April 19, 1977, I called Mr. Fred D. Hollenbeck concerning his request for information on this matter.

I explained that pursuant to Commission procedures, he would not receive any further information on this matter until the file was closed. In response to his inquiry I stated that it is difficult to determine when the case will be closed but it is possible that such action will occur early in June.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040031197

ACC# 316

JUNEAU COUNTY REPUBLICAN ORGANIZATION

ATTY. FRED D. HOLLENBECK, Chairman

P.O. Box 99
Mauston, WI 53948

APR 25 AM 7:41

MARGUERITE TALG
Vice-Chairwoman
Wonevoo, WI

April 19, 1977

NADINE WALTER
Treasurer
Mauston, WI

KENNETH F. CARPENTER
Secretary
Mauston, WI

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

EXECUTIVE COMMITTEE
MEMBERS

RE: MUR 352 (76)

771324

ATTY. CHARLES P. CURRAN
Mauston, WI

Gentlemen:

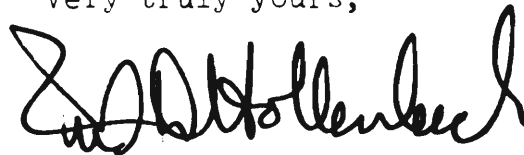
SANDRA BRANDLI
Mauston, WI

Can you advise me as to the status of the above matter.
I have not heard from you in some time, and I would appreciate being advised as to your progress regarding this matter.

ARTHUR SIEGLER
Needah, WI

Very truly yours,

LAWRENCE LARSON
Mauston, WI



Fred D. Hollenbeck

ROBERT SMITH
Wonevoo, WI

FDH/cah

ALFRED GABOWER
Mauston, WI

ROBERT LUEHR
Elroy, WI

THOMAS SCHMIDT
Mauston, WI

RAYMOND DAVIES
New Lisbon, WI

VERNIE SCHULZ
Mauston, WI

GEORGE SEEBECKER
Statutory Committee Chairman
Mauston, WI

MAURICE WARRINER
Senior Citizens Member
Mauston, WI

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Juneau County

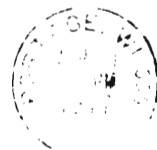
Republican Organization

Mr. Fred D. Hollenbeck

~~Curran, Curran & Hollenbeck~~

111 Oak Street

Mauston, Wisconsin 53948



77 APR 25 AM 1:52

Federal Election Commission

1325 K Street, NW

Washington, D.C. 20463

ATTENTION: Mr. David L. Anderson

RECEIVED
FEDERAL ELECTION
COMMISSION

ACC# 267

77 APR 19 AM 10:51

April 14, 1977

771249

Wm. C. Oldaker
General Counsel

David L. Anderson
Attorney
Federal Election Commission
1325K St. N.W.
Washington, D.C.

In reply to your letter dated April 11, 1977, RE. MUR 352:

- 1.) ~~President~~ *President*
- 2.) Oct. 1976
- 3.) One poster with no instructions
- 4.) No. A.F.S.C.M.E. had nothing to do with publication
- 5.) Sent from: International Org. A.F.S.C.M.E.
Jerry Wurf, President
1625 "L" Street N.W.
Wash., D.C. 20036
(202-452-4901)
Att. Linda Wray
Bill Walsh's Admin. Ass't.
- 6.) See # 5

Sincerely Yours,

Gladys Miller
Gladys Miller

Subscribed and sworn to before me

this 14th day of April, 1977

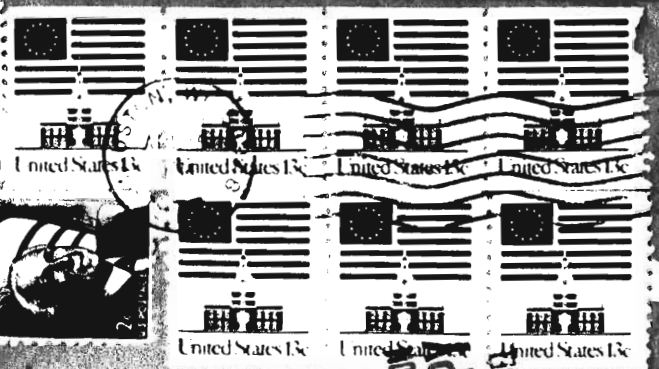
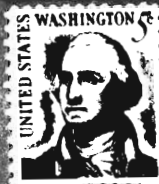
Thomas H. Gullick
Thomas H. Gullick, Notary Public
Juneau County, Wisconsin, Clerk
My Commission expires 3-1-81

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040031200

After five days return to

Thomas H. Gullik-Jensen, C. Clerk
COURT HOUSE - JUNEAU COUNTY
MAUSTON, WISCONSIN



DAVID L. Anderson
Attorney
Federal Elections Commission
1325 K Street N.W.
Washington D.C.

20015

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CERTIFIED

No. 5892

MAIL

19 AM 10:41

FEDERAL ELECTION COMMISSION

April 14, 1977

Memorandum To: The File
From: Dave Anderson *DA*
Subject: MUR 352

At approximately 4:00p.m. on April 13, 1977, I returned a call from Tom Gullick (608-843-3121) on this matter.

Mr. Gullick stated that Ms. Miller was most upset by the request that she submit an affidavit on this matter and was going to retain an attorney. Apparently, Ms. Miller, sees further Commission inquiries as part of a continuing pattern of harassment by Republicans in Wisconsin and Washington.

I explained repeatedly and at great length that the Commission has no partisan ax to grind and that neither Chairman Thomson nor any Republican officials had spoken to me on this matter. I tried repeatedly to explain that while I realize Ms. Miller answered most of these questions in our phone conversation on March 9, 1977, that we still need these answers in the form of an affidavit so that they might be legally admissible. In response to a specific inquiry by Mr. Gullick, I stated that while the Commission expected Ms. Miller to answer each question truthfully and to the best of her ability, that of course we did not expect her to engage in conjecture in instances where her memory legitimately fails her.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040001201

PS Form 3811, Nov. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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

1. The following service is requested (check one).
☐ Show to whom and date delivered..... 15¢
☒ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. A TITLE ADDRESSED TO:
Ms. Gladys Miller

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
938253

(Always obtain signature of addressee or agent)

I have received the article described above:
SIGNATURE ☐ Addressee ☐ Authorized agent
Mrs Gladys Miller

4. DATE OF DELIVERY
APR 13 1977

5. ADDRESS (Complete only if requested)
P.O. Box 25 Elgin

6. UNABLE TO DELIVER BECAUSE:

POSTMARK
APR 13 1977

53 50001

★ GPO: 1976-O-285-485

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

11 APR 1977

Ms. Gladys Miller
Box 25
Elroy, Wisconsin 53929

Re: MR 352

Dear Ms. Miller:

It is my understanding that on March 10, 1977, David Anderson of this office telephoned you with regards to your labor organization's involvement in the distribution of the Nixon-Ford poster which subsequently appeared in the October 28, 1976 edition of the Waushara Star.

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

(1) State the office which you hold in the Wisconsin Council of State, County and Municipal Employees, Local #2758.

(2) State the approximate date when you received the package which contained the Nixon-Ford poster that was reprinted in the Waushara Star.

(3) State the approximate contents of this package and summarize as best you can any directions enclosed in the package which described or directed how the package's contents should be utilized. In particular, state whether these contents were to be used to influence the members of your labor organization, some other groups, or the general public.

(4) Did these directions expressly suggest, direct, or in anyway encourage you to have the Nixon-Ford poster reprinted as an advertisement in a local newspaper?

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7704031204

(5) State to the best of your knowledge whether this package was sent to you from the Wisconsin Council of State, County and Municipal Employees; the National Federation of State, County and Municipal Employees; the COPE affiliate of the State organization; the COPE affiliate of the national organization; or AFEACIO COPE.

(5) State the name, title, organization, and address of any person who you believe could provide the Commission with definite information on the distribution of the package containing the Nixon-Ford poster.

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

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3). The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(a).

The attorney assigned to this case is Dave E. Anderson (telephone no. 202-382-4056). Please contact him if you have any question.

Sincerely yours,

"Signed"

William C. Oldaker
General Counsel

DAnderson:dks:
3/14/77

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OFFICE OF GENERAL COUNSEL

7704031205

*Sig Case # 145-
3/31*



FEDERAL ELECTION COMMISSION

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

March 30, 1977

MEMORANDUM TO: WILLIAM OLDAKER
FROM: OFFICE OF COMMISSION SECRETARY *mwe*
RE: MUR 352 (76) - Request Approval to Send Letter

The above-mentioned document was transmitted to the
Commissioners on March 29, 1977 at 3:30 p.m.

There are no objections to the staff recommendation
to send the attached letter.



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7704051206



FEDERAL ELECTION COMMISSION

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

March 28, 1977

MEMORANDUM TO: THE COMMISSION

FROM: WILLIAM OLDAKE *W.O.*

SUBJECT: MUR 352

As a result of the Commission's discussion of MUR 352 on March 9, 1977, this Office was directed to obtain additional information on the nature of the union's involvement in the distribution of the Nixon-Ford poster.

Accordingly, this office informally contacted on March 9th Ms. Gladys Miller, the local union official mentioned in this matter. Ms. Miller stated that she was quite willing to answer by affidavit any questions which we might pose. However, she has not retained any of the material which accompanied the poster nor did she have a certain idea as to who had sent the packet. Ms. Miller stated that the idea of taking out the advertisements in the local paper had been totally the idea of the informal groups, and that the union had in no way encouraged such action.

Recommended Action: The Commission is requested to approve on a no objection basis the sending of the attached letter.



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Gladys Miller
Box 25
Elroy, Wisconsin 53929

Re: MUR 352

Dear Ms. Miller:

It is my understanding that on March 10, 1977, David Anderson of this office telephoned you with regards to your labor organization's involvement in the distribution of the Nixon-Ford poster which subsequently appeared in the October 28, 1976 edition of the Mauston Star.

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

- (1) State the office which you hold in the Wisconsin Council of State, County and Municipal Employees, Local #2758.
- (2) State the approximate date when you received the package which contained the Nixon-Ford poster that was later printed in the Mauston Star.
- (3) State the approximate contents of this package and summarize as best you can any directions enclosed in the package which described or directed how the package's contents should be utilized. In particular, state whether these contents were to be used to influence the members of your labor organization, some other group, or the general public.
- (4) Did these directions expressly suggest, direct, or in anyway encourage you to have the Nixon-Ford poster reprinted as an advertisement in a local newspaper?



FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

(5) State to the best of your knowledge, whether this package was sent to you from the Wisconsin Council of State, County and Municipal Employees; the American Federation of State, County and Municipal Employees; the COPE affiliate of the State organization; the COPE affiliate of the national organization; or AFL-CIO COPE.

(6) State the name, title, organization, and address of any person who you believe could provide the Commission with definite information on the distribution of the package containing the Nixon-Ford poster.

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

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3). 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. 202-523-4061). Please contact him if you have any questions.

Sincerely yours,

William C. Oldaker
General Counsel

77040061200

March 11, 1977

MEMORANDUM TO:

THE FILE

FROM:

DAVE ANDERSON *DA*

SUBJECT:

MUR 352

At approximately 3:45 p.m., I contacted Ms. Gladys Miller, the union official mentioned in this matter, at 608-462-5894.

Ms. Miller stated that she was willing to fully cooperate, however she had not retained any of the material which had accompanied the poster nor did she have any certain idea as to who had sent the packet. She assumed that the package had been sent by the National County and Municipal Employees Union since she was "pretty sure" that the package had come from Washington, D.C. Ms. Miller is a member of the Wisconsin Council of County & Municipal Employees, Local #2758.

Ms. Miller stated that the idea of taking out the advertisement in the local paper had been totally the idea of the informal group, and that the union had in no way encouraged such action.

Ms. Miller stated that she would be willing to answer by affidavit any questions which I might pose. Her mailing address is: Box 25; Elroy, Wisconsin 53929.

DAnderson:dks:3/11/77
file MUR 352

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

March 10, 1977

MEMORANDUM TO:

THE FILE

FROM:

DAVE ANDERSON *DA*

SUBJECT:

MUR 352(76)

In response to certain Commission inquiries, I phoned Mr. Tom Gullick (608-843-3121) at approximately 10:30 am on Thursday, March 10th.

Mr. Gullick generally confirmed the substance of our conversation on February 28th: he said that the union had distributed the poster to members for appropriate display, that the union had not requested in anyway that the poster be used in any advertisements, and that the decision of the individuals in this matter to purchase the newspaper advertisement was done totally independently from the union.

Mr. Gullick also stated that the bill for \$46.80 from the Mauston Star included all costs related to the printing, e.g. the cost of preparing the mat. He stated that advertisements generally cost \$10 to \$15 if the advertiser had a previously prepared mat.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

March 8, 1977

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 352 (76)
Citizens Against Corrupt)
Government)

GENERAL COUNSEL'S REPORT

WITHDRAWN
BY GC

I. Allegations

This matter arises out of a complaint filed with the Federal Election Commission on December 10, 1976, by Fred D. Hollenbeck. Complainant contended that the Citizens Against Corrupt Government Committee ("CACGC") was not properly formed and that a newspaper advertisement taken by the group failed to adequately state that it had not been authorized by any candidate.

II. Evidence

The advertisement consisted of a cartoon showing Gerald Ford embracing Richard Nixon with the accompanying text consisting of a quote from a July 25, 1975 Ford speech in which he said "I can say from the bottom of my heart-- the President of the U.S. is innocent, and he is right." The advertisement appeared in the Mauston Star newspaper (Mauston, Wisconsin) on or about October 28, 1976.

FEDERAL ELECTION COMMISSION
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77-1911-1211

The Commission reviewed the complaint and advertisement and concluded that the content of the advertisement (picturing Ford in an obviously negative manner) and its context (appearing four days before the presidential election) indicated that the advertisement apparently was intended expressly to advocate the defeat of a clearly identified candidate. Thus, the Commission found reason to believe that the authority notice on the advertisement had failed to satisfy 2 U.S.C. §441d since it did not state whether or not the advertisement had been authorized by any candidate. The Commission further found reason to believe that CACGC was not a registered or reporting political committee as provided in 2 U.S.C. §§433 and 434. In the alternative, the Commission found that if CACGC in 1976 spent in excess of \$100 but less than \$1,000 to purchase the advertisement, then CACGC had failed to file the report of independent expenditures as required by 2 U.S.C. §434(e).

On January 31, 1977 a letter containing the Commission's findings was sent to the respondent and on February 10, 1977, Mr. Tom Gullick accepted delivery for CACGC. On the same day Mr. Gullick telephoned the Commission and stated that: CACGC was not an organized political committee, the advertisement had been derived from a poster prepared by a labor union, the advertisement had cost only a nominal amount and CACGC had not made any other contributions or expenditures in 1976,

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OFFICE OF GENERAL COUNSEL

CACGC had inadvertently omitted the 2 U.S.C. §441d notice, and the group wished to do everything necessary to bring itself into compliance with the Act. The staff advised Mr. Gullick to set forth this information in his reply and to include a copy of the receipted bill. On February 17, 1977, the Commission received Mr. Gullick's response and a cover letter from his attorney. (See Attachments #1 and #2.) Mr. Gullick stated that the total collected and spent by the group had been \$46.80 and included a copy of the bill for the advertisement. (See Attachment #3.) He further stated that "[t]he ad is a poster that was distributed by the AFL-CIO, so we wanted it in the newspaper. We intend to comply fully with the law so please let me know if there is anything else I can do."

On February 28, 1977, the staff contacted Mr. Gullick by telephone and inquired as to the role of the labor union in this matter. Mr. Gullick stated that the union had not been directly involved in the publication of the advertisement. Apparently, the union had merely sent a poster (similar to the advertisement) to a leader of the union and she, in conjunction with the other persons involved in the ad hoc group, decided independently of the union to purchase the newspaper advertisement. The union did not suggest in any manner that such an advertisement be purchased.

III. Analysis and Recommendation

It is provided in 2 U.S.C. §431(d) that a political committee is "any committee, club, association, or other

FEDERAL ELECTION COMMISSION
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group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000." Such a political committee is obligated to register and report as provided in 2 U.S.C. §433 and 434. It is further provided in 2 U.S.C. §434(e) that if a group fails to qualify as a political committee, but spends in excess of \$100 in a calendar year, then the group is required to file the report of independent expenditures provided in 2 U.S.C. §434(e). However, in this case CACGC neither met the \$1,000 nor the \$100 threshold. Thus in view of the fact that the cost of the advertisement was only \$46.80 and the complainant did not allege that any other amounts were expended by CACGC, it is clear that the group was not required to register and report as a political committee. CACGC further does not appear to be affiliated with any labor organization and thus there is no reporting obligation on such organization's part.

It is uncontroverted that CACGC failed to state in its advertisement whether the advertisement was authorized or unauthorized by any candidate, his authorized political committee, or its agents. However, there appears to have been satisfactory voluntary compliance in this matter since CACGC's spokesman has admitted that the omission was inadvertent, is now aware of the 2 U.S.C. §441d notice of authority requirement, and is willing to take corrective action in the future.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Roland W. Vieth
Ray C. Feldman, Jr.
John T. Eakins

Attorneys at Law

ATTACHMENT #1

Phone 608 843-2481
or 847-4658

Vieth, Feldman & Eakins

Loomis Building
235 E. State Street
Mauston, Wisconsin 53948

February 14, 1977

Mr. David L. Anderson
Federal Election Commission
1325 K Street NW
Washington, D.C. 20463

Dear Mr. Anderson:

Re Tom Gullick, 418 Elm St., Mauston, Wisconsin 53948

I am enclosing my letter only to inform you that I have reviewed this matter with Mr. Gullick and that the information that he has set forth in this letter has been verified by me to be correct.

I have legally advised Mr. Gullick that there was no State of Wisconsin filing required and that Federal law covered this subject. I have further informed him that on reading the provisions of the applicable Federal law, it is my opinion that unless the organization spent over \$100 there was no reporting requirement. I have also indicated that I thought a possible technical violation might have been involved with respect to the failure to make a name identification with address of a responsible officer or person of the group sponsoring the ad.

Yours very truly,

VIETH, FELDMAN & EAKINS

ROLAND W. VIETH

RWV:jlh

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

ATTACHMENT #2

Tom Gullick
418 Elm St.
Mauston, Wis. 53948

David L. Anderson
Federal Election Commission
1325 K Street NW
Washington D.C. 20463

Dear Mr. Anderson:

As per phone conversation Feb. 10, 1977 requesting a letter explaining MUR 352 (76) , I regret that the names of the people associated with the committee was inadvertently not included. The total collected and spent by the group was \$46.80. The ad was run in the local newspaper the Thursday before the election (Nov. 2, 1976) and it wasn't thought we had to inform you. The ad is a poster that was distributed by the AFL-CIO , so we wanted it in the newspaper. We intend to comply fully with the law so please let me know if there is anything else I can do.

Tom Gullick
Tom Gullick
Ph. 608-847-4670

encl: ad bill

77040031217

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

In Account With
JUNEAU COUNTY PUBLISHERS

Lawrence L. Arnold & Kenneth J. Bogert

Mauston, Wisconsin

ATTACHMENT #3

11-8

1976

Citizens Against Cor. Gov.

Box 175

Mauston, Wis

Rec'd. on acc't.

46 80

Sd.
f.x.

1% PER MONTH CARRYING CHARGE
ADDED TO AMOUNT DUE
Computed at the End of Each Month Until
Full Amount is Paid.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

77040061213



FEDERAL ELECTION COMMISSION

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

Fred D. Hollenbeck, Esquire
Curran, Curran & Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Dear Mr. Hollenbeck:

On March , 1977, the Commission voted to terminate its inquiry into alleged violations of 2 U.S.C. §§433, 434, and 441d by the Citizens Against Corrupt Government Committee. The Commission determined that there has been satisfactory voluntary compliance with the provisions of the Federal Election Campaign Act of 1971, as amended.

A copy of the certification of the Commission's action and the General Counsel's Report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone no. 202/382-4056), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

Mr. Tom Gullick
Citizens Against Corrupt
Government Committee
418 Elm Street
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Dear Mr. Gullick:

On March , 1977, the Commission voted to terminate its inquiry into alleged violations of 2 U.S.C. §§433, 434, and 441d by the Citizens Against Corrupt Government Committee. The Commission determined that there has been satisfactory voluntary compliance with the provisions of the Federal Election Campaign Act of 1971, as amended.

A copy of the certification of the Commission's action and the General Counsel's Report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone no. 202/382-4056), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

cc: Roland W. Vieth, Esquire
Vieth, Feldman & Eakins
Loomis Building
235 E. State Street
Mauston, Wisconsin 53948



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

March 1, 1977

MEMORANDUM TO: The File

FROM: Dave Anderson *DA*

SUBJECT: MUR 352 (76)

On Monday, February 28, 1977, at approximately 2:30 p.m. I called Mr. Tom Gullick on this matter (608-843-3121).

In response to my inquiry into the role of the labor union in this matter, Mr. Gullick stated that the union had not been directly involved in the publication of the advertisement. Apparently, the union had merely sent a poster (similar to the advertisement) to a leader of the union and she, in conjunction with the other persons involved in this ad hoc group, had decided independently to purchase the newspaper advertisement.

Mr. Gullick reiterated that he is willing to do anything necessary to bring the group into compliance with the Act.

77040061221

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Roland W. Vieth
Ray C. Feldman, Jr.
John T. Eakins

Attorneys at Law

Vieth, Feldman & Eakins

Loomis Building
235 E. State Street
Mauston, Wisconsin 53948

CE# 1277

FEDERAL ELECTION
COMMISSION
Phone 608 843-2481
or 847-4656

FEB 17 AM 10:05

770000

February 14, 1977

Mr. David L. Anderson
Federal Election Commission
1325 K Street NW
Washington, D.C. 20463

Dear Mr. Anderson:

Re Tom Gullick, 418 Elm St., Mauston, Wisconsin 53948

I am enclosing my letter only to inform you that I have reviewed this matter with Mr. Gullick and that the information that he has set forth in this letter has been verified by me to be correct.

I have legally advised Mr. Gullick that there was no State of Wisconsin filing required and that Federal law covered this subject. I have further informed him that on reading the provisions of the applicable Federal law, it is my opinion that unless the organization spent over \$100 there was no reporting requirement. I have also indicated that I thought a possible technical violation might have been involved with respect to the failure to make a name identification with address of a responsible officer or person of the group sponsoring the ad.

Yours very truly,

VIETH, FELDMAN & EAKINS

ROLAND W. VIETH

RWV:jlh

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Tom Gullick
418 Elm St.
Mauston, Wis. 53948

David L. Anderson
Federal Election Commission
1325 K Street NW
Washington D.C. 20463

Dear Mr. Anderson:

As per phone conversation Feb. 10, 1977 requesting a letter explaining MUR 352 (76) , I regret that the names of the people associated with the committee was inadvertently not included. The total collected and spent by the group was \$46.80. The ad was run in the local newspaper the Thursday before the election (Nov. 2, 1976) and it wasn't thought we had to inform you. The ad is a poster that was distributed by the AFL-CIO , so we wanted it in the newspaper. We intend to comply fully with the law so please let me know if there is anything else I can do.

Tom Gullick
Tom Gullick
Ph. 608-847-4670

encl: ad bill

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Tom Gullick
418 Elm St.
Mauston, Wis. 53948



77 FEB 17 10:01

David L. Anderson
Federal Elections Commission
1325 K Street N.W.
Washington D.C. 20463

Washington 1777 to 1777
US Bicentennial 13c
FEDERAL ELECTIONS COMMISSION
1325 K STREET, N.W.
WASHINGTON, D.C. 20463

CERTIFIED

No. 738202

MAIL

**RETURN RECEIPT
REQUESTED**

1 2 2 1 0 0 1 4 0 2 2

February 14, 1977

MEMORANDUM: To The File
FROM: Dave Anderson
SUBJECT: MUR 352 (76)

On Thursday, February 10, 1977 at approximately 5:50 p.m. I received a call from Mr. Tom Gullick (608-843-3121) and his attorney.

770400122;
Both Mr. Gullick and his attorney admitted that Mr. Gullick had a principal role in the placing of the advertisement stated: that the master copy of the advertisement had been prepared by a labor union and furnished to them, that the advertisement had cost only \$20 in printing costs, that "Citizens Against Corrupt Government" was not an organized political committee and had not made any other contributions or expenditures, that the group had nonly inadvertently omitted the 2 U.S.C. §441d notice, and that the group wished to do everything necessary to bring itself into compliance with the Act.

I advised them to set forth this information in their answer and to include, if possible, a receipted bill for the advertisement.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

CC # 1262

RECEIVED
FEDERAL ELECTION
COMMISSION
CURRAN, CURRAN & HOLLENBECK

CHARLES P. CURRAN
THOMAS J. CURRAN
FRED D. HOLLENBECK
WILLIAM T. CURRAN

77 FEB 11 11:02
III OAK STREET
MAUSTON, WISCONSIN 53948

TELEPHONE
847-7388
848-4231
AREA CODE 808

February 4, 1977

770417

Mr. David L. Anderson
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

RE: MUR 352 (76)

Dear Mr. Anderson:

In Mr. Oldaker's letter of January 31, 1977, he indicated that if I had any other evidence regarding the above matter I should submit it to you within five days of my receipt of his letter. His information request included the name, address and phone number of any individual whom I know to be associated with the Citizens Against Corrupt Government Committee, or involved in the placement or the payment of the advertisement.

It is rumored that one Tom H. Gullick, 418 Elm Street, Mauston, Wisconsin, telephone number 608-847-4670 may have placed the advertisement. Perhaps Mr. Lawrence Arnold, Editor of the newspaper could advise you who placed this advertisement.

Very truly yours,

CURRAN, CURRAN & HOLLENBECK

BY:



FDH/cah

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

77040031226

LAW OFFICES

CURRAN, CURRAN & HOLLENBECK

111 OAK STREET

MAUSTON, WISCONSIN 53948

77 FEB 7 PM 10:35



Mr. David L. Anderson
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Chron
JAN 31 1977

7 7 0 4 0 3 1 2 2 8
Fred D. Hollenbeck, Esquire
Curran, Curran & Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Dear Mr. Hollenbeck:

This letter acknowledges receipt of your complaint dated December 6, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Citizens Against Corrupt Government Committee. We have numbered your complaint as MUR 352 (76). Please refer to this number in all future correspondence.

If you have further evidence which you wish to make available to the Commission (including the name, address, and phone number of any individual, organization, or company who you know to be associated with the Citizens Against Corrupt Government Committee, or involved in the placement or payment of the advertisement), please submit this within five days of the receipt of this letter. For your information, we have enclosed a copy of the Act and 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).

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

- 2 -

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,

/s/

William C. Oldaker
General Counsel

Enclosures

DAnderson:cfb:1/13/77

cc: Compliance Section (MUR 352 (76))
DA

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7704031229

Chen
JAN 31 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens Against Corrupt Government Committee
Box 175
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Gentlemen:

This is to notify you that the Federal Election Commission has received a complaint which we have numbered MUR 352 (76), alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Citizens Against Corrupt Government Committee ("CACGC"). Please refer to this number in all future correspondence. A copy of the complaint is enclosed.

The Commission has reviewed a copy of the advertisement (a copy of which is enclosed) and has found reason to believe that the purchase of the advertisement constitutes an expenditure to influence the defeat of a clearly identified candidate. (A copy of the Act is enclosed for your convenience.) Accordingly, you should be aware that pursuant to 2 U.S.C. §441d the advertisement should have stated the name of the individual or organization who made or financed the expenditure for the communication (apparently CACGC in this case) and whether the advertisement was authorized by any candidate. We request that you submit information on who financed the expenditure and whether the advertisement was authorized by any candidate.

You also should be aware that the CACGC is required to report in the appropriate manner the making of this expenditure. If the expenditure for the advertisement (as well as any other expenditures which may have been made by the CACGC in calendar 1976) was in an

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7704031230

aggregate amount exceeding \$1,000, then the CACGC is required by the Act to register and report as a political committee pursuant to 2 U.S.C. §433 and 434. Enclosed are copies of FEC Forms 1 and 3 in order to facilitate compliance if the CACGC qualifies as a political committee under the Act). On the other hand, if the CACGC did not in 1976 make expenditures in excess of \$1,000, yet made an independent expenditure in excess of \$100 to purchase this advertisement, then the CACGC is required by 2 U.S.C. §434(e) to file FEC Form 3. (A copy of this form is enclosed; the definition of independent expenditure is set forth in 2 U.S.C. §431(p).)

We request that you complete the appropriate forms and submit these along with a signed, sworn, and notarized statement, pursuant to 2 U.S.C. §437g(a)(4), in which you provide all requested information and set forth any reasons why no action should be taken against the CACGC by the Commission under the Act. Please submit the forms and response within ten days of the receipt of this letter.

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).

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,

/s/

William C. Oldaker
General Counsel

Enclosures

DAnderson:cfb:1/13/77
cc: Compliance Section (MUR 352 (76))
DA

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Aggregate amount exceeding \$1,000, then the CACGC is required by the Act to register and report as a political committee pursuant to 2 U.S.C. §433 and 434. Enclosed are copies of FEC Forms 1 and 3 in order to facilitate compliance if the CACGC qualifies as a political committee under the Act). On the other hand, if the CACGC did not in 1976 make expenditures in excess of \$1,000, yet made an independent expenditure in excess of \$100 to purchase this advertisement, then the CACGC is required by 2 U.S.C. §434(a) to file FEC Form 3. (A copy of this form is enclosed; the definition of independent expenditure is set forth in 2 U.S.C. §431(p).)

We request that you complete the appropriate forms and submit these along with a signed, sworn, and notarized statement, pursuant to 2 U.S.C. §437g(a)(4), in which you provide all requested information and set forth any reasons why no action should be taken against the CACGC by the Commission under the Act. Please submit the forms and response within ten days of the receipt of this letter.

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).

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,

/s/

William C. Oldaker
General Counsel

Enclosures

DAnderson:cfb:1/13/77
cc: Compliance Section (MUR 352 (76))
DA

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

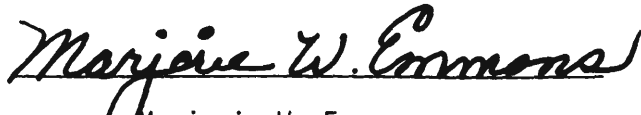
BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Citizens Against Corrupt Government)

MUR 352 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 27, 1977, the Commission adopted the recommendation of the General Counsel to find reason to believe that a violation of U.S.C. §§433, 434, and 441d had been committed in the above-captioned matter.


Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
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77040061231



FEDERAL ELECTION COMMISSION

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

January 27, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE EMMONS *MUR by BSN*

RE: MUR 352 (76)

The above-mentioned MUR was transmitted to the
Commissioners on January 26, 1977 at 9:30 a.m.

As of 3:00 p.m., January 27, 1977, no objections had
been received to the staff recommendations in MUR 352 (76).



FEDERAL ELECTION COMMISSION
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77040031233

DATE AND TIME OF TRANSMITTAL:

1/26/77

NO. 352 (76)

REC'D: 12/10/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Fred D. Hollenbeck (notarized)

Respondent's Name: Citizens Against Corrupt Government

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

Internal Reports Checked: Registration, reports, and independent expenditure reports.

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Complainant contends that the Citizens Against Corrupt Government Committee ("CACGC") has not been properly formed and that the advertisement fails to adequately state that it was not authorized by any candidate. (See Attachment #1.)

PRELIMINARY LEGAL ANALYSIS

The advertisement (see Attachment #2) consisted of a cartoon showing Ford embracing Nixon with the accompanying text consisting of a quote from a July 25, 1975 Ford speech in which he said "I can say from the bottom of my heart--the President of the U.S. is innocent, and he is right." The advertisement appeared in the Mauston Star newspaper (Mauston, Wisconsin) on or about October 28, 1976 (cont.)

RECOMMENDATION

Find reason to believe and send attached letters. If respondent (cont.)

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PRELIMINARY LEGAL ANALYSIS (cont.)

1040000123
(1) The content of the advertisement (picturing Ford in an obviously negative manner) and its context (appearing four days before the presidential election) indicate that the advertisement was apparently intended expressly to advocate the defeat of a clearly identified candidate. Accordingly, the authority notice on the advertisement does not satisfy the requirements of 2 U.S.C. §441d since it fails to state whether or not the advertisement authorized by any candidate. The respondent should be informed of the requisites for a proper notification of authority.

(2) A review of the Commission's records reveals that the CACGC is not a registered or reporting political committee. Accordingly, the CACGC should be notified that if the expenditure for the advertisement (as well as any other expenditures which CACGC may have made in 1976) was in an aggregate amount exceeding \$1,000, then the CACGC is required by the Act to register and report as a political committee. 2 U.S.C. §§433 and 434.

(3) In the alternative, a review of the Commission's records reveals that the CACGC has not reported the expenditure for the advertisement pursuant to 2 U.S.C. §434(e). Accordingly, the CACGC should be notified that if it did not in 1976 make expenditures in excess

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PRELIMINARY LEGAL ANALYSIS (cont.)

104005123;
(1) The content of the advertisement (picturing Ford in an obviously negative manner) and its context (appearing four days before the presidential election) indicate that the advertisement was apparently intended expressly to advocate the defeat of a clearly identified candidate. Accordingly, the authority notice on the advertisement does not satisfy the requirements of 2 U.S.C. §441d since it fails to state whether or not the advertisement authorized by any candidate. The respondent should be informed of the requisites for a proper notification of authority.

(2) A review of the Commission's records reveals that the CACGC is not a registered or reporting political committee. Accordingly, the CACGC should be notified that if the expenditure for the advertisement (as well as any other expenditures which CACGC may have made in 1976) was in an aggregate amount exceeding \$1,000, then the CACGC is required by the Act to register and report as a political committee. 2 U.S.C. §§433 and 434.

(3) In the alternative, a review of the Commission's records reveals that the CACGC has not reported the expenditure for the advertisement pursuant to 2 U.S.C. §434(e). Accordingly, the CACGC should be notified that if it did not in 1976 make expenditures in excess

FEDERAL ELECTION COMMISSION
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of \$1,000, yet spent in excess of \$100 to purchase this advertisement, then the CACGC is required to file a report of independent expenditures. 2 U.S.C. §434(e).

(4) It is quite possible in light of the short-lived nature of political groups that the CACGC may no longer be reached at the address listed on the advertisement. Thus, in the event that the CACGC has vacated the post office address, it would be necessary for the General Counsel's Office to obtain from the Mauston Star the name of the individual who placed the advertisement (as well as other appropriate information). On receipt of this information, the General Counsel's Office could then immediately forward the letter to the respondent.

RECOMMENDATION (cont.)

is not at listed address, authorize letter of inquiry to the Mauston Star.

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**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY**

President
Gerald Ford

"I can say from the
bottom of my heart—the
President of the U.S.
is innocent, and he
is right."

July 25, 1974

Muncie, Indiana

(Ford speaking of then President Richard M. Nixon)



(PAID ADVERTISEMENT — Authorized and to be paid for by Citizen's
Against Corrupt Government Committee, Box 173, Okauchee, WI 53043)

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

DA.
JAN 31 1977

Fred D. Hollenbeck, Esquire
Curran, Curran & Hollenbeck
111 Oak Street
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Dear Mr. Hollenbeck:

77040031239
This letter acknowledges receipt of your complaint dated December 6, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Citizens Against Corrupt Government Committee. We have numbered your complaint as MUR 352 (76). Please refer to this number in all future correspondence.

If you have further evidence which you wish to make available to the Commission (including the name, address, and phone number of any individual, organization, or company who you know to be associated with the Citizens Against Corrupt Government Committee, or involved in the placement or payment of the advertisement), please submit this within five days of the receipt of this letter. For your information, we have enclosed a copy of the Act and 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).

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

The attorney assigned to this case is David L. Anderson (telephone No. 202-387-3153). Please contact him if you have any questions.

Sincerely yours,

/s/

William C. Oldaker
General Counsel

Enclosures

DAnderson:cfb:1/13/77
cc: Compliance Section (MUR 352 (76))
DA

77040031240

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

MUR file
JAN 31 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Citizens Against Corrupt Government Committee
Box 175
Mauston, Wisconsin 53948

Re: MUR 352 (76)

Gentlemen:

77040031241
This is to notify you that the Federal Election Commission has received a complaint which we have numbered MUR 352 (76), alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the Citizens Against Corrupt Government Committee ("CACGC"). Please refer to this number in all future correspondence. A copy of the complaint is enclosed.

The Commission has reviewed a copy of the advertisement (a copy of which is enclosed) and has found reason to believe that the purchase of the advertisement constitutes an expenditure to influence the defeat of a clearly identified candidate. (A copy of the Act is enclosed for your convenience.) Accordingly, you should be aware that pursuant to 2 U.S.C. §441d the advertisement should have stated the name of the individual or organization who made or financed the expenditure for the communication (apparently CACGC in this case) and whether the advertisement was authorized by any candidate. We request that you submit information on who financed the expenditure and whether the advertisement was authorized by any candidate.

You also should be aware that the CACGC is required to report in the appropriate manner the making of this expenditure. If the expenditure for the advertisement (as well as any other expenditures which may have been made by the CACGC in calendar 1976) was in an

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

aggregate amount exceeding \$1,000, then the CACGC is required by the Act to register and report as a political committee pursuant to 2 U.S.C. §433 and §34. Enclosed are copies of FEC Forms 1 and 3 in order to facilitate compliance if the CACGC qualifies as a political committee under the Act). On the other hand, if the CACGC did not in 1976 make expenditures in excess of \$1,000, yet made an independent expenditure in excess of \$100 to purchase this advertisement, then the CACGC is required by 2 U.S.C. §434(a) to file FEC Form 5. (A copy of this form is enclosed; the definition of independent expenditure is set forth in 2 U.S.C. §431(p).)

We request that you complete the appropriate forms and submit these along with a signed, sworn, and notarized statement, pursuant to 2 U.S.C. §437g(a)(4), in which you provide all requested information and set forth any reasons why no action should be taken against the CACGC by the Commission under the Act. Please submit the forms and response within ten days of the receipt of this letter.

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).

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,

/s/

William C. Oldaker
General Counsel

Enclosures

DAnderson:cfb:1/13/77

cc: Compliance Section (MUR 352 (76))

DA

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

REGIONS INSIDE, MOUNTAINS, MOUNTED AND CARRIED FROM

☆ GOP: 1176-O-203-456

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

CHARLES P. CURRAN
THOMAS J. CURRAN
FRED D. HOLLENBECK
WILLIAM T. CURRAN

LAW OFFICES
CURRAN, CURRAN & HOLLENBECK

111 OAK STREET
MAUSTON, WISCONSIN 53946

RECEIVED
FEDERAL ELECTION
COMMISSION

CCN/36

76 DEC 10 AM 10:22

TELEPHONE
608-238-2222
FAX
608-238-2221
AREA CODE 608

December 6, 1976

764109

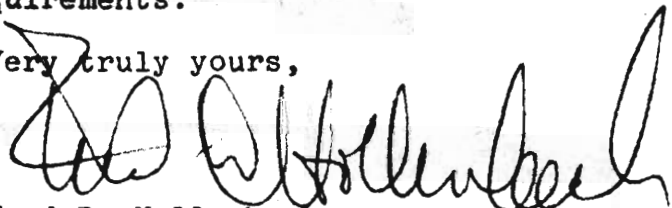
Mr. N. Bradley Litchfield
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Re: O/R #845

Dear Mr. Litchfield:

Enclosed please find a sworn Complaint which I believe sets forth the required information which you sent me. If it is deficient in any way, please let me know and I will amend the Complaint to comply with your requirements.

Very truly yours,


Fred D. Hollenbeck

FDH:dlr

Enclosure

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

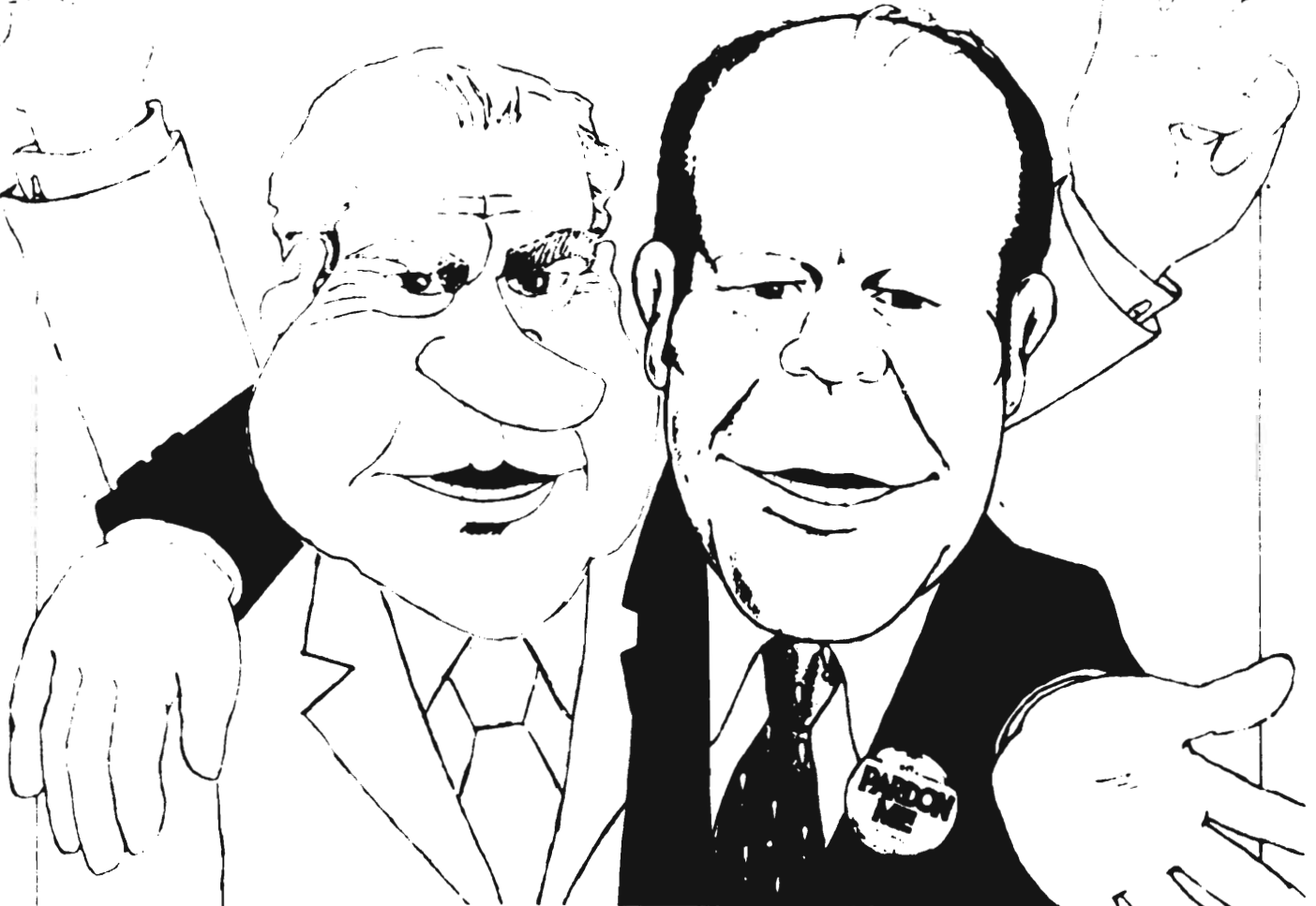
77040031244

Vice President
Gerald Ford

**"I can say from the
bottom of my heart—the
President of the U.S.
is innocent, and he
is right."**

July 25, 1974
Muncie, Indiana

(Ford speaking of then President Richard M. Nixon)



(PAID ADVERTISEMENT — Authorized and to be paid for by Citizen's
Against Corrupt Government Committee, Box 175, Mauston, WI 53948)

CC-1136
MAR 352

COMPLAINT

STATE OF WISCONSIN)
) ss.
COUNTY OF JUNEAU)

Fred D. Hollenbeck, being first duly sworn, on oath deposes and states as follows:

1. That your complainant's name is Fred D. Hollenbeck, 111 Oak Street, Mauston, Wisconsin, 53948, telephone number 608-847-7363.

2. That your complainant is informed and believes that the political advertisement, a copy of which is attached hereto, and which appeared in the Mauston Star Newspaper on or about October 28, 1976 is illegal and in violation of the Federal Election Campaign Act of 1971, as amended in that:

(a) Your complainant has never heard of "Citizens Against Corrupt Government Committee" and that your complainant does not

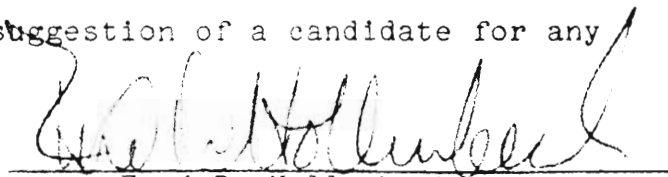
77340051245

believe that any such committee has been formed or is formed.

(b) Your complainant does not believe that said advertisement was authorized or paid for by the Jimmy Carter Campaign and is illegal since it contains no statement to that effect.

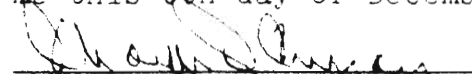
(c) No name of any person associated with said committee appears in the advertisement.

3. That your complainant is not filing this complaint on behalf of or at the request or suggestion of a candidate for any public office.


Fred D. Hollenbeck

Subscribed and sworn to before

me this 6th day of December, 1976.

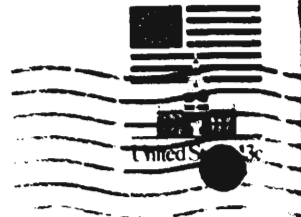

Charles P. Curran, Notary Public
Juneau County, Wisconsin.
My Commission is Permanent.



77040011247

LAW OFFICES
CURRAN, CURRAN & HOLLENBECK

III OAK STREET
MAUSTON, WISCONSIN 53948



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

cc # 1162

1162

MUR 352



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

21 DEC 1976

Address Reply to the
Division Indicated
and Refer to Initials and Number
RLT:THH:RAH:REM:ph
186-86-0

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

Dear Mr. Murphy:

On December 1, 1976, United States Attorney for the Western District of Wisconsin, David C. Mebane, referred to the Public Integrity Section the attached material which he had received concerning a possible violation of Title 2, United States Code, Section 441d.

We are referring this matter to the Commission for whatever attention it may deem appropriate regarding a possible violation of Section 441d. Should any investigation you may conduct in this matter reveal knowing and wilful violations of Section 441d which exceed the \$1,000 floor applicable to criminal violations of the Federal Election Campaign Act, we would appreciate being advised concerning the product of your investigation as well as of any administrative or civil action the Commission may undertake pursuant to 2 U.S.C. 437g.

If we can be of further assistance to you in this regard, please advise.

Sincerely,

RICHARD L. THORNBURGH
Assistant Attorney General
Criminal Division

By:

Thomas H. Henderson, Jr.
THOMAS H. HENDERSON, JR.
Chief, Public Integrity Section

Attachment



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7 7 7 4 1 0 3 1 2 5

DEPARTMENT OF JUSTICE

WASHINGTON, D. C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
U. S.
DEPARTMENT OF JUSTICE
JUS-431



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



DO NOT OPEN IN MAILROOM

United States Department of Justice

UNITED STATES ATTORNEY
WESTERN DISTRICT OF WISCONSIN
P. O. Box 112, FEDERAL BUILDING
MADISON, WISCONSIN 53701

December 1, 1976

Public Integrity Section
Criminal Division
U. S. Department of Justice
Washington, D. C. 20530

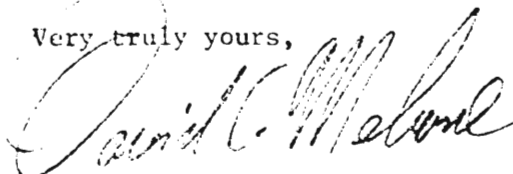
RE: Inquiry regarding Federal Election Law Violation

Gentlemen:

Enclosed please find a copy of a letter and attached newspaper ad from Attorney Fred Hollenbeck of Mauston, Wisconsin, inquiring as to the legality of the political advertisement contained in the attachment.

Please advise as to your suggested response.

Very truly yours,



DAVID C. MEBANE
United States Attorney

DCM:rl
Encs.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL



CHARLES P. CURRAN
THOMAS J. CURRAN
FRED D. HOLLENBECK
WILLIAM T. CURRAN

LAW OFFICES
CURRAN, CURRAN & HOLLENBECK
111 OAK STREET
MAUSTON, WISCONSIN 53948

TELEPHONE
847-7383
843-4231
AREA CODE 608

November 24, 1976

RECEIVED

NOV 26 1976

U.S. ATTORNEY
Western District—Wisconsin

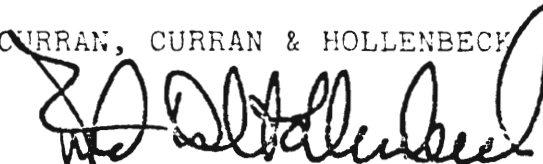
United States Attorney
U.S. Post Office
Madison, Wisconsin 53700

Gentlemen:

Enclosed please find a photocopy of an advertisement which appeared in the October 28, 1976 issue of the Mauston Star Newspaper located at Mauston, Wisconsin. Please note that at the foot of the advertisement, it states "Paid Advertisement - Authorized and to be paid for by Citizen's Against Corrupt Government Committee, Box 175, Mauston, WI 53948". Can you advise us whether such an advertisement complies with all of the federal election guidelines?

We look forward to your early response.

Very truly yours,

CURRAN, CURRAN & HOLLENBECK


BY: Fred D. Hollenbeck

FDH:dlr

Enclosure

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7704001255

our Sand
October 11, 12

News

For entered the
hospital Tuesday for
surgery on his left

Loma Stark

(Authorized and to be paid for by Loma Stark, Mauston, Wisconsin)

Vice President
Gerald Ford

I can say from the
bottom of my heart-the
President of the U.S.
is innocent and he
is right.

May 23, 1974

Winning Indiana

(President of the President Richard M. Nixon)



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
COUNSEL

7704003123

FEDERAL ELECTION COMMISSION

*Removed only the carbon copies of the
Sept 26, 1977, letters to Hollenbeck
and Gullick*

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

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

Signed

date

Vincent Glomery
9/26/77