



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 690

Date Filmed 6/16/80 Camera No. --- 2

Cameraman SIC



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gwendolen S. Buck
Bernstein, Zerbe and Buck
Post Office Box 607
Pacific Grove, California 93950

Re: MUR 690

Dear Ms. Buck:

This is in reference to the complaint you filed with the Commission on August 25, 1978, concerning the 16th Congressional District TRIM Committee. Based on your complaint, the Commission determined there was reason to believe that the 16th Congressional District TRIM Committee violated sections 433, 434(b)(13) and 441d of the Federal Election Campaign Act of 1971, as amended.

On August 1, 1978, the Commission had filed suit in U.S. District Court for the Eastern District of New York against the Central Long Island TRIM Committee on facts essentially identical to those set out in your complaint. Pursuant to 2 U.S.C. §437h(a), that suit was certified to the U.S. Court of Appeals for the Second Circuit for resolution of several constitutional issues which had been raised by way of defenses and counterclaims. Since the two cases were virtually identical, the Commission held MUR 690 in abeyance pending the Second Circuit's decision in CLITRIM.

By opinion dated February 5, 1980, the Second Circuit held that no case or controversy had been presented in that the TRIM Bulletin did not "expressly advocate" the election or defeat of a clearly identified candidate. The Court ordered the District Court to dismiss the Commission's complaint, which action was accomplished on April 11, 1980. A copy of the Court of Appeals' opinion is enclosed.

In view of the Second Circuit's opinion, the Commission concluded on May 14, 1980 that further action against 16th Congressional District TRIM Committee was not warranted. Accordingly, the file in the matter has been closed.

Page Two
Ltr. to Gwendolen S. Buck

This matter will become part of the public record within thirty days. If you wish to submit any factual or legal materials to appear on the public record please do so within ten days.

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

VJC
5-14-80

PS Form 3811 Aug 1978

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

2. The following service is requested (check one)

☐ Show to whom and date delivered _____

☐ Show to whom, date, and address of delivery _____

☐ RESTRICTED DELIVERY Show to whom and date delivered _____

☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery _____

(CONSULT POSTMASTER FOR FEES)

3. ARTICLE ADDRESSED TO
Gwendolen S. Buck

4. ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO
	944470	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE _____ AUTHORIZED AGENT

DATE OF DELIVERY 5-30

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE _____

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

CIFIC GROVE, CA
MAY 30 1980

MUR-690

Convery



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

May 27, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert K. Herrling
Chairman
16th Congressional District
TRIM Committee
48 San Miguel Avenue
Salinas, California 93901

Re: MUR 690

Dear Mr. Herrling:

This is to advise you that, on May 14, 1980, the Commission voted to take no further action against your Committee in MUR 690 and to close its file in the matter.

If you have any questions please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
Charles N. Steele
General Counsel

VJC
5-14-80

0040:90273

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 584
Oregon TRIM Committee	)	
1st Congressional District	)	
	)	MUR 689
13th Congressional District	)	
(New Jersey) TRIM Committee	)	
	)	MUR 690
16th Congressional District	)	
(California) TRIM Committee	)	
	)	MUR 696
Nassau County (New York)	)	
TRIM Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 14, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MURs 584, 689, 690, and 696:

1. Take no further action with regard to:
 - (A) Oregon TRIM Committee,
1st Congressional District
in MUR 584;
 - (B) 13th Congressional District
(New Jersey) TRIM Committee
in MUR 689;
 - (C) 16th Congressional District
(California) TRIM Committee
in MUR 690;
 - (D) Nassau County (New York) TRIM
Committee in MUR 696.
2. Close the file in each of the above matters.

(Continued)

004910277

CERTIFICATION
General Counsel's Report
Dated: May 5, 1980
MURs 584, 689, 690, 696

Page 2

3. Authorize the Office of General Counsel to send the letters of notification as attached to the above-named report.

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

Attest:

5/14/80

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Report Signed: 5-9-80
Received in Office of the Commission Secretary: 5-9-80, 3:57
Circulated on 48 hour vote basis: 5-11-80, 11:00

000190280

May 9, 1980

MEMORANDUM TO: Marjorie W. Emmons
FROM: Elissa T. Garr
SUBJECT: ~~ENRs~~ 584, 689, 690, 696

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

0047192281

BEFORE THE FEDERAL ELECTION COMMISSION
May 5, 1980

In the Matter of)
Oregon TRIM Committee)
1st Congressional District) MUR 584
13th Congressional District)
(New Jersey) TRIM Committee) MUR 689
16th Congressional District)
(California) TRIM Committee) MUR 690
Nassau County (New York))
TRIM Committee) MUR 696

GENERAL COUNSEL'S REPORT

I. STATEMENT OF THE CASE

All these cases essentially are based on the same facts.

In each, the local Tax Reform Immediately (TRIM) Committee 1/ printed and distributed to the public, one or more "TRIM Bulletins." These Bulletins set forth (1) positions with respect to certain economic and tax issues, (2) the voting records of the local member of Congress on specific legislation concerning these issues, along with a characterization of votes as "For Lower Taxes and Less Government" or "For Higher Taxes and More Government," and (3) a commentary reflecting National TRIM's views as to the merits of the bills identified.

The Commission determined that the TRIM Bulletin in each of these cases were communications which "expressly advocated" the defeat of the Representative identified therein. Since it was

1/ It is believed that each of these local TRIM Committees is part of the National TRIM network. National TRIM, itself an unincorporated organization, is a committee which has been established by the John Birch Society, Inc.

was considered likely that the 1st District (Oregon), 13th District (New Jersey) and Nassau County (New York) TRIM Committees each had spent in excess of \$100 to print and distribute the Bulletins, the Commission found reason to believe that each violated 2 U.S.C. §434(e) in failing to report their costs as independent expenditures. Since the Bulletins did not include a statement of authorization/non-authorization, the Commission found reason to believe each committee violated 2 U.S.C. §441d. ^{2/} The 16th District (California) TRIM Committee purchased a newspaper advertisement, at an estimated cost of \$500, in addition to printing and distributing the TRIM Bulletin. In view of the likelihood that 16th District TRIM may have spent in excess of \$1,000 in media advertisements and TRIM Bulletins, the Commission found reason to believe that 16th District TRIM had violated 2 U.S.C. §433 by failing to file as a political committee and that it had violated 2 U.S.C. §434(b)(13) by failing to report its independent expenditures. 16th District TRIM also was found to have violated 2 U.S.C. §441d.

By memo dated June 8, 1979, the General Counsel advised the Commission that this office would hold the four MUR's in abeyance until the U.S. Court of Appeals for the Second Circuit had issued its decision in Federal Election Commission v. Central Long Island Tax Reform Immediately Committee, et al. The issues raised in that action were identical to those presented in the four MUR's, except for the additional issue of failure of the 16th District TRIM to register as a political committee in MUR 690.

^{2/} The Commission also found reasonable cause to believe that Oregon TRIM Committee, 1st Congressional District, had violated the cited statutes.

In an opinion dated February 5, 1980, the Second Circuit held that 2 U.S.C. §§434(e) and 441d were inapplicable to CLITRIM's activities, so that no case or controversy was presented for adjudication. Particularly, the Court found that: "The CLITRIM Bulletin of Fall, 1976, contains nothing which could rationally be termed express advocacy." Accordingly, the case was remanded to the U.S. District Court for the Eastern District of New York with directions to dismiss the Commission's complaint. The District Court ordered that dismissal on April 11, 1980.

II. LEGAL ANALYSIS

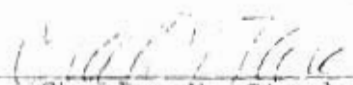
Since the activities of Oregon TRIM Committee, 1st Congressional District in MUR 584; 13th Congressional District (New Jersey) TRIM Committee in MUR 689; 16th Congressional District (California) TRIM Committee in MUR 690; and Nassau County (New York) TRIM Committee in MUR 696 were identical to those of Central Long Island TRIM Committee in all essential regards, we are compelled to conclude that their publications, like CLITRIM's, did not expressly advocate the defeat of a clearly identified candidate and, thus, are not subject to the provisions of the FECA cited above.

In order to pursue the issue of whether the 16th District TRIM violated 2 U.S.C. §433 by failing to file as a political committee it would be necessary to determine if it, indeed, exceeded the \$1,000 threshold, and if such expenditures were for the purpose of influencing an election. Determination of these facts would require further investigation. Because this office has never been able to locate the Chairman from the outset of the investigation we feel that such investigation is unwarranted in the circumstances.

III. GENERAL COUNSEL'S RECOMMENDATION(S)

1. Take no further action with regard to:
 - (A) Oregon TRIM Committee, 1st Congressional District
in MUR 584;
 - (B) 13th Congressional District (New Jersey) TRIM
Committee in MUR 689;
 - (C) 16th Congressional District (California) TRIM
Committee in MUR 690;
 - (D) Nassau County (New York) TRIM Committee
in MUR 696.
2. Close the file in each of the above matters.
3. Authorize the Office of General Counsel to send the letters
of notification attached.

8 May 1980
Date


Charles N. Steele
General Counsel

Attachments

Letters of Notification to Complainants (4)
Letters of Notification to Respondents (4)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

F. William Ford, Chairman
13th District TRIM Committee
P.O. Box 5241
Clinton, New Jersey 08809

Re: MUR 689

Dear Mr. Ford:

This is to advise you that, on , 1980, the Commission voted to take no further action against your Committee in MUR 689 and to close its file in the matter.

If you have any questions please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Chairman
Nassau County TRIM Committee
P.O. Box 41
New Hyde Park, New York 11040

Re: MUR 696

Dear Sir:

This is to advise you that, on , 1980, the Commission voted to take no further action against your Committee in MUR 696 and to close its file in the matter.

If you have any questions please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Randy Van Hecke, Chairman
Oregon TRIM Committee
1st Congressional District
5501 N.W. Front
Portland, Oregon 97201

Re: MUR 584

Dear Mr. Hecke:

This is to advise you that, on , 1980, the Commission voted to take no further action against your Committee in MUR 584 and to close its file in the matter.

If you have any questions please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert K. Herrling
Chairman
16th Congressional District
TRIM Committee
48 San Miguel Avenue
Salinas, California 93901

Re: MUR 690

Dear Mr. Herrling:

This is to advise you that, on , 1980, the Commission voted to take no further action against your Committee in MUR 690 and to close its file in the matter.

If you have any questions please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Daniel Mooney
4250 Veterans Memorial Highway
Holbrook, New York 11740

Re: MUR 696

Dear Mr. Mooney:

This is in reference to the complaint you filed with the Commission on May 8, 1978, concerning the Nassau County TRIM Committee. Based on your complaint, the Commission determined there was reason to believe that the Nassau County TRIM Committee, violated sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended.

On August 1, 1978, the Commission had filed suit in U.S. District Court for the Eastern District of New York against the Nassau County TRIM Committee on facts essentially identical to those set out in your complaint. Pursuant to 2 U.S.C. §437h(a), that suit was certified to the U.S. Court of Appeals for the Second Circuit for resolution of several constitutional issues which had been raised by way of defenses and counterclaims. Since the two cases were virtually identical, the Commission held MUR 696 in abeyance pending the Second Circuit's decision in CLITRIM.

By opinion dated February 5, 1980, the Second Circuit held that no case or controversy had been presented in that the TRIM Bulletin did not "expressly advocate" the election or defeat of a clearly identified candidate. The Court ordered the District Court to dismiss the Commission's complaint, which action was accomplished on April 11, 1980. A copy of the Court of Appeals' opinion is enclosed.

In view of the Second Circuit's opinion, the Commission concluded on , 1980 that further action against Nassau County TRIM Committee was not warranted. Accordingly, the file in the matter has been closed.

160-1-Cr-6

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert C. Grant
Inter-Mark Associates
114 East Ridgewood Parkway
Denville, New Jersey 97834

Re: MUR 689

Dear Mr. Grant:

This is in reference to the complaint you filed with the Commission on August 25, 1978, concerning the 13th District TRIM Committee. Based on your complaint, the Commission determined there was reason to believe that the 13th District TRIM Committee violated sections 434(e) and 44ld of the Federal Election Campaign Act of 1971, as amended.

On August 1, 1978, the Commission had filed suit in U.S. District Court for the Eastern District of New York against the Central Long Island TRIM Committee on facts essentially identical to those set out in your complaint. Pursuant to 2 U.S.C. §437h(a), that suit was certified to the U.S. Court of Appeals for the Second Circuit for resolution of several constitutional issues which had been raised by way of defenses and counterclaims. Since the two cases were virtually identical, the Commission held MUR 689 in abeyance pending the Second Circuit's decision in CLITRIM.

By opinion dated February 5, 1980, the Second Circuit held that no case or controversy had been presented in that the TRIM Bulletin did not "expressly advocate" the election or defeat of a clearly identified candidate. The Court ordered the District Court to dismiss the Commission's complaint, which action was accomplished on April 11, 1980. A copy of the Court of Appeals' opinion is enclosed.

In view of the Second Circuit's opinion, the Commission concluded on , 1980 that further action against 13th District TRIM Committee was not warranted. Accordingly, the file in the matter has been closed.

Page Two
Ltr. to Robert C. Grant

This matter will become part of the public record within thirty days. If you wish to submit any factual or legal materials to appear on the public record please do so within ten days.

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Call
Re-elect Les AuCoin Committee
8665 S.W. Canyon Road
Portland, Oregon 97225

Re: MUR 584

Dear Mr. Call:

This is in reference to the complaint you filed with the Commission on May 8, 1978, concerning the Oregon TRIM Committee 1st Congressional District. Based on your complaint, the Commission determined there was reason to believe that the Oregon TRIM Committee, 1st Congressional District violated sections 434(e) and 441d of the Federal Election Campaign Act of 1971, as amended.

On August 1, 1978, the Commission had filed suit in U.S. District Court for the Eastern District of New York against the Central Long Island TRIM Committee on facts essentially identical to those set out in your complaint. Pursuant to 2 U.S.C. §437h(a), that suit was certified to the U.S. Court of Appeals for the Second Circuit for resolution of several constitutional issues which had been raised by way of defenses and counterclaims. Since the two cases were virtually identical, the Commission held MUR 584 in abeyance pending the Second Circuit's decision in CLITRIM.

By opinion dated February 5, 1980, the Second Circuit held that no case or controversy had been presented in that the TRIM Bulletin did not "expressly advocate" the election or defeat of a clearly identified candidate. The Court ordered the District Court to dismiss the Commission's complaint, which action was accomplished on April 11, 1980. A copy of the Court of Appeals' opinion is enclosed.

In view of the Second Circuit's opinion, the Commission concluded on , 1980 that further action against Oregon TRIM Committee was not warranted. Accordingly, the file in the matter has been closed.

Page Two
Ltr. to Michael Call

This matter will become part of the public record within thirty days. If you wish to submit any factual or legal materials to appear on the public record please do so within ten days.

If you have any questions, please contact Vincent J. Convery, Jr., the attorney assigned to this matter, at 202-523-4000.

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gwendolen S. Buck
Bernstein, Zerbe and Buck
Post Office Box 607
Pacific Grove, California 93950

Re: MUR 690

Dear Ms. Buck:

This is in reference to the complaint you filed with the Commission on August 25, 1978, concerning the 16th Congressional District TRIM Committee. Based on your complaint, the Commission determined there was reason to believe that the 16th Congressional District TRIM Committee violated sections 433, 434(b)(13) and 441d of the Federal Election Campaign Act of 1971, as amended.

On August 1, 1978, the Commission had filed suit in U.S. District Court for the Eastern District of New York against the Central Long Island TRIM Committee on facts essentially identical to those set out in your complaint. Pursuant to 2 U.S.C. §437h(a), that suit was certified to the U.S. Court of Appeals for the Second Circuit for resolution of several constitutional issues which had been raised by way of defenses and counterclaims. Since the two cases were virtually identical, the Commission held MUR 690 in abeyance pending the Second Circuit's decision in CLITRIM.

By opinion dated February 5, 1980, the Second Circuit held that no case or controversy had been presented in that the TRIM Bulletin did not "expressly advocate" the election or defeat of a clearly identified candidate. The Court ordered the District Court to dismiss the Commission's complaint, which action was accomplished on April 11, 1980. A copy of the Court of Appeals' opinion is enclosed.

In view of the Second Circuit's opinion, the Commission concluded on , 1980 that further action against 16th Congressional District TRIM Committee was not warranted. Accordingly, the file in the matter has been closed.

70907

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *MJE by fe*
DATE: JUNE 18, 1979
SUBJECT: MURs 584, 689, 690, and 696 - Interim
Investigative Report dated 6-8-79

The above-named document was circulated on a 24
hour no-objection basis at 4:00, June 14, 1979.

The Commission Secretariat Office has received
no objections to the Interim Investigative Report as of
9:00 this date.

June 14, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MURs 584,689,690,696

Please have the attached Interim Invest Report on
the above mentioned MURs distributed to the Commission.

Thank you.

BEFORE THE FEDERAL ELECTION COMMISSION

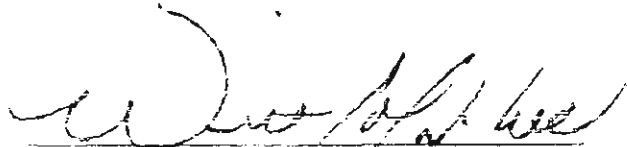
June 8, 1979

In the Matter of)
)
Oregon TRIM) MUR 584
Thirteenth District TRIM) MUR 689
California TRIM) MUR 690
Nassau County TRIM) MUR 696

INTERIM INVESTIGATIVE REPORT

Four matters presently pending before the Commission involve local TRIM committees as captioned above. These matters will be held in abeyance pending the decision of the United States Court of Appeals for the Second Circuit in Federal Election Commission v. Central Long Island TRIM Committee.

Date: 6/11/79


William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: APRIL 2, 1979
SUBJECT: TRIM MURs (584, 689, 690, 696)
Memorandum from OGC dated 3-30-89;
Received in OCS 3-30-79, 12:31

The above-named document was circulated on a 24
hour no-objection basis at 4:30, March 30, 1979

The Commission Secretary's Office has received
no objections to the memorandum as of 4:30 this date.



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

79 MAR 30 P12: 31

March 30, 1979

MEMORANDUM TO: The Commission

FROM: Charles N. Steele *CNS*
Associate General Counsel

SUBJECT: TRIM MURs (584, 689, 690, 696)

This Office is presently completing, pursuant to Commission request, a memorandum considering the issues underlying the TRIM and AFSCME enforcement proceedings and the Public Citizen Advisory Opinion Request (AOR 1978-62) and recommending the action to be taken in these proceedings. During the pendency of this review, no action has been taken on MUR 584 (Oregon TRIM), MUR 689 (Thirteenth District TRIM Committee), MUR 690 (California TRIM) and MUR 696 (Nassau County TRIM Committee).





FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE

FROM: MARJORIE W. EMMONS *mw*

DATE: DECEMBER 18, 1978

SUBJECT: MURs 584, 689, (690) and 696 - Memo from
OGC dated 12-15-78

The above-named document was circulated on a 24 hour no-objection basis at 3:00, December 15, 1978.

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



FEDERAL ELECTION COMMISSION

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

78 DEC 15 A10: 25

December 15, 1978

December 13, 1978

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel *WCO*

SUBJECT: TRIM MURs
(MURs 584, 689, 690, and 696)

In light of the Commission's discussion of December 6, 1978, regarding the need for further review and consideration of the issues underlying the TRIM MURs and the Public Citizen Advisory Opinion Request (AO 1978-62), the Office of the General Counsel will hold further action on MUR 584 (Oregon TRIM), MUR 689 (Thirteenth District TRIM Committee), MUR 690 (California TRIM) and MUR 696 (Nassau County TRIM Committee) for the next month. During this time we will submit to the Commission an overall review of the issues and a recommendation regarding what action should be taken in these matters.



FEDERAL ELECTION COMMISSION

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

November 8, 1978

Mr. Glen Robinson
United States Marshal
450 Gloden Gate Avenue
San Francisco, California 94102

Re: MUR 690(78)

Dear Mr. Robinson:

We are requesting the assistance of your office in serving the enclosed order and questions upon Mr. Robert K. Herrling, chairman of the 16th Congressional District TRIM Committee, 48 San Miguel Avenue, Salinas, California 93901.

Under 2 U.S.C. § 437d(a)(1), the Commission is empowered to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe. Ordinarily, these orders are forwarded by certified mail. In this instance, the respondent was required to answer the questions by October 15, 1978. To date, the Commission has not received a response.

In connection with this matter, you should be aware that 2 U.S.C. § 437g(a)(3)(B) prohibits any person from making public the fact of any "notification or investigation" by the Commission until the person complained against agrees in writing to make public the investigation.

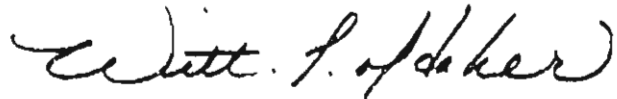
Please send your return on service to the Federal Election Commission, Attention: Jay B. Myerson, Office

-2-

of the General Counsel, 1325 K Street, N. W., Washington,
D. C. 20463. If you have any questions, please contact
Mr. Myerson at (202) 523-4178.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, reading "William C. Oldaker".

William C. Oldaker
General Counsel

0004019930

**U.S. MARSHALS SERVICE
PROCESS RECEIPT and RETURN**

INSTRUCTIONS: See "INSTRUCTIONS FOR SERVICE OF PROCESS BY THE U.S. MARSHAL" on the reverse of the last (No. 5) copy of this form. Please type or print legibly, insuring readability of all copies. Do not detach any copies.

PLAINTIFF Federal Election Commission	COURT NUMBER MUR 690(78)
DEFENDANT 16th Congressional District TRIM Committee	TYPE OF WRIT(S) ORDER
SERVE  NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Mr. Robert K. Herrling, Chairman	
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 48 San Miguel Avenue, Salinas, California 93901	
AT	

SEND NOTICE OF SERVICE COPY TO NAME AND ADDRESS BELOW:	Number of writs to be served with this form-285	
Federal Election Commission Attention: Jay B. Myerson Office of the General Counsel 1325 K Street, N. W. Washington, D. C. 20463	Number parties to be served in this case	
	Check for service on U.S.A.	

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

Signature of Attorney or other Originator requesting service on behalf of	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER 202) 523-4178	DATE
---	---	--	------

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

I acknowledge receipt for the total number of writs indicated (Sign only first USM 285 if more than one 285 is submitted)	Total Writs	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
---	-------------	--------------------	-------------------	--	------

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

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

Name and title of individual served (if not shown above)	☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	
Date of Service	Time

Signature of U.S. Marshal or Deputy	Forwarding Fee	Service Fee	Mileage (including enclaves)	Total
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REMARKS

I, CLERK OF THE COURT



FEDERAL ELECTION COMMISSION

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

November 8, 1978

Robert K. Herrling
Chairman, 16th Congressional
District TRIM Committee
48 San Miguel Avenue
Salinas, California 93901

Re: MUR 690 (78)

Dear Mr. Herrling:

In our letter of September 29, 1978, we advised you that the Commission has found reason to believe that the 16th Congressional District TRIM Committee ("16th D.T."), had violated 2 U.S.C. §§ 433, 434(b) (13) and 441d of the Federal Election Campaign Act of 1971, as amended. We requested that you, as chairman of the Committee, submit answers to a series of questions relating to these possible violations.

Federal law provides that once the Commission finds reason to believe that a violation has occurred, it shall afford the respondent an opportunity to demonstrate that no action should be taken against him. It further directs the Commission to "make an investigation of such alleged violation..." 2 U.S.C. § 437g (a)(2).

By its letter of notification of September 29, 1978, the Commission sought to advise you of your opportunity to demonstrate that action should not be taken. The questions enclosed with the letter were part of the Commission's investigation of this matter.

Since you have failed to voluntarily respond to the Commission's questions, the Commission on _____, 1978, ordered you to answer the enclosed questions. The Commission's order, issued pursuant to 2 U.S.C. § 437d(a)(1), is enclosed. Should you fail to comply with the terms of this Order, an enforcement action will be initiated in United States District Court.

The attorney assigned to this matter is Jay B. Myerson. Please contact him at (202) 523-4178 if you have any questions.

Sincerely,

William C. Oldaker

William C. Oldaker
General Counsel

Enclosures

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

PS Form 3871, Apr 1977

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

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

2. ARTICLE ADDRESSED TO
Robert R. Hennig, Chairman
48 San Miguel Ave.
Salinas, CA 93901

3. ARTICLE DESCRIPTION:
REGISTERED NO. 903744 CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above
SIGNATURE _____ ADDRESS _____ AUTHORIZED AGENT _____

4. DATE RECEIVED 08 FEB 1978 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE _____

U.S. CLERK'S INITIALS 1978

Myerson 1146696

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
)
16th Congressional) MUR 690 (72)
District TRIM Committee)

ORDER

To: Mr. Robert K. Herrling
Chairman 16th Congressional
District TRIM Committee
48 San Miguel Avenue
Salinas, California 93901

00400192317
PURSUANT to the authority set forth in Section 437d(a)
(1) of Title 2, United States Code, and in furtherance of
its investigation in the above-styled matter, the Federal
Election Commission hereby orders you to submit written
answers to the attached questions and requires that the
answers be submitted under oath to the Office of the General
Counsel, Federal Election Commission, 1325 K Street, N. W.,
Washington, D. C. 20463 within fifteen (15) days of your
receipt of this Order.

WHEREAS, the chairman of the Federal Election Commission
has hereunto set her hand at the Office of the Commission,
1325 K Street, N. W., Washington, D. C., on the 8th day
of November, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

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

00100192311

FEDERAL ELECTION COMMISSION QUESTIONS

TO: Mr. Robert K. Herrling

MUR 690 (78)

ATTACHMENT TO LETTER TO 16th CONGRESSIONAL DISTRICT TRIM COMMITTEE

1. How is the 16th Congressional District TRIM Committee (hereinafter referred to as "16th D.T.") organized (i.e., is it an incorporated organization, unincorporated organization, etc.)? When was the 16th D.T. formed?
2. The bulletin of the 16th D.T., a copy of which is attached, states that it is set up by National TRIM. Is this true? Please submit any copies of letters, memorandums etc. from National TRIM.
3. What is the purpose of 16th D.T. and who are the individuals responsible for establishing and implementing its general policy?
4. (a) Is 16th D.T. affiliated with any political party, political committee, candidate, corporation or labor organization. If so please state the name(s) of the affiliate(s). (See Section 100.14 (c) on page 18 of the Commission's Regulations for our definition of "affiliated," and see Section 431(b)(d) and (m) of Title 2, United States Code, located on pages 1 thru 7 of the Federal Election Campaign Laws, for our definitions of "political party," "political committee," and "candidate." For your convenience, copies of the Regulations and of the Federal Election Campaign Laws have been enclosed.)

(b) Is the 16th D.T. affiliated with, associated with, or a part of another TRIM Committee? If so, please state the name and address of that TRIM Committee.
5. (a) Please identify by name and address the individual(s) with the responsibility for preparing the 16th D.T. bulletin.

(b) Please identify the individual(s) with responsibility for preparing the advertisement, which is attached, which appeared in the May 25, 1978, edition of The Salinas Californian.

(c) Please identify the individual(s) with responsibility for preparing the analyses of Representative Leon E. Panetta's voting record.

6. What was the 16th D.T.'s purpose in publishing the 16th D.T. Bulletin? In publishing the newspaper advertisement?

7. (a) What was the date of publication of the 16th D.T. Bulletin that is marked as Attachment 2?

(b) How many copies of this edition were published?

(c) Was its distribution limited to persons within the 16th Congressional District?

(d) Did the 16th D.T. or National TRIM target any people or areas for receipt of these Bulletins? If so, please specify.

8. (a) What was the cost of researching, writing, printing, and distributing the 16th D.T. Bulletin?

(b) What was the cost of researching, writing, and printing of the 16th D.T. advertisement which appeared in the May 25, 1978, The Salinas Californian?

9. Other than the 16th D.T. Bulletin and the newspaper advertisement attached, did the 16th D.T. publish any other literature in 1977 or 1978? If so, please describe each such publication, give dates of publication, dates and places of distribution, and provide copies, if available. In this regard please include information about any other bulletins or advertisements placed by the 16th D.T. in any newspapers or magazines.

10. Other than the publication and distribution of literature, what other events or activities were sponsored or paid for by the 16th D.T. in 1977 and in 1978 to date (i.e., did the 16th D.T. sponsor seminars, provide speakers, present films, etc.) which involved non-members of the Committee.

11. (a) In 1977 what amount of money did the 16th D.T. expend in undertaking the activities referred to in questions 9 and 10?
- (b) To date in 1978, what amount of money has been expended by the 16th D.T. in undertaking the activities referred to in questions 9 and 10?
12. (a) What amount of money was contributed to the 16th D.T. in 1977?
- (b) What amount of money has been contributed to the 16th D.T. in 1978 to date?
13. (a) Please identify the individual(s) who placed the advertisement in The Salinas Californian.
- (b) Please identify by name and number the bank account from which the cost of the advertisement was paid, and provide a copy of the cancelled check, if any.
14. (a) Were there any 16th D.T. activities, including the 16th D.T. Bulletin and the newspaper advertisement in The Salinas Californian, which were conducted with the awareness of candidate Eric Seastrand, his political committee or his authorized agents?
- (b) Did candidate Seastrand, his political committee, or his authorized agents assist in the preparation of any of these materials?
15. (a) Was candidate Seastrand or any members of his committee invited to speak at any 16th D.T. functions?
- (b) Was there any correspondence between the 16th D.T. Committee and/or candidate Seastrand and his political committee concerning any other activities? If so, please provide any copies of correspondence, or the names of the people involved, and the dates.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
16th Congressional District) MUR 690 (78)
TRIM Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 7, 1978, the Commission determined by a vote of 5-0 to approve the order and questions attached to the General Counsel's Report dated November 1, 1978.

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

Attest:

11/7/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 11-3-78, 7:45 a.m.
Circulated on 48 hour vote basis: 11-3-78, 12:00



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *more by pc*
DATE: NOVEMBER 8, 1978
SUBJECT: MUR 690 (78) - Order

The attached Order, approved November 7, 1978,
has been signed and sealed this date.

ATTACHMENT
Order (Herrling)

0040192315



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: NOVEMBER 7, 1978
SUBJECT: Comments Regarding Order in Relation to
MUR 690

Attached is a copy of Commissioner Tiernan's vote
sheet with comments regarding incorrect citation on
Order.

ATTACHEMENT:
Copy of Vote Sheet

0040192317

48 HOUR TALLY SHEET



FEDERAL ELECTION COMMISSION

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

Date and Time Transmitted: Nov. 3, 1978 - 12:00

Commissioner Tierman

RETURN TO OFFICE OF COMMISSION SECRETARY BY: NOVEMBER 7, 1978 - 12:00

MUR No. 690 - General Counsel's Report dated 11-1-78

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

COMMENTS: Correct citation on order sheet
U. e. § 437(a) (sic) to § 437d(a)

Date: 11/3/78 Signature: Robert O. Tierman

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



November 2, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 690

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

Thank you.

00040192319

RECEIVED
OFFICE OF THE
MISSION

7:45

MUR 690(78)

GENERAL COUNSEL'S REPORT

I. Background

On August 22, 1978, Gwendolen S. Buck sent to the Commission: a notarized complaint made on behalf of Congressman Leon E. Panetta; a copy of an undated bulletin distributed by the 16th Congressional District TRIM Committee, ("16th D.T."); and a newspaper advertisement, placed by the 16th D.T. in the May 25, 1978 issue of The Salinas Californian. According to Ms. Buck the newspaper advertisement cost approximately \$500.

In the complaint Ms. Buck alleges that the 16th D.T. has violated Sections 433 and 434 of the Federal Election Campaign Act, and that the Committee's expenditures in opposing Congressman Leon Panetta should be reported as in-kind contributions to Mr. Panetta's general election opponent Eric Seastrand.

The Commission reviewed the bulletin and on September 29, 1978, found reason to believe that the 16th D.T. is a political committee which violated 2 U.S.C. § 433 by failing to register with the Commission; 2 U.S.C. § 434(b)(13) for failing to report; and 2 U.S.C. § 441d for failing to include the

required statement of authorization or non-authorization.

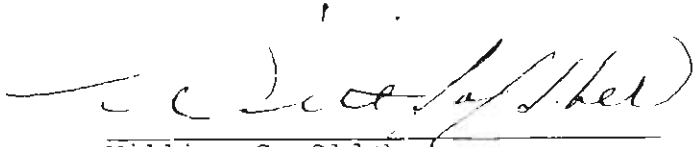
II. Prior Attempt To Obtain Information

The letter of notification, with questions, was sent to the 16th D.T. on September 29, 1978, and was received on October 5, 1978. The Respondent was requested to reply within ten days of receipt of the notification, which in this instance would have been by October 15, 1978. As of October 27, 1978, the Commission had not received a response.

III. Recommended Action:

The Commission is requested to approve the sending of the attached Order with questions.

11/1/78
DATE



William C. Oldaker
General Counsel

Exhibits:

- I. Proposed Order
- II. and III. Proposed Letters



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

Robert K. Herrling
Chairman, 16th Congressional
District TRIM Committee
48 San Miguel Avenue
Salinas, California 93901

Re: MDR 690 (78)

Dear Mr. Herrling:

In our letter of September 29, 1978, we advised you that the Commission has found reason to believe that the 16th Congressional District TRIM Committee ("16th D.T."), had violated 2 U.S.C. §§ 433, 434(b) (13) and 441d of the Federal Election Campaign Act of 1971, as amended. We requested that you, as chairman of the Committee, submit answers to a series of questions relating to these possible violations.

Federal law provides that once the Commission finds reason to believe that a violation has occurred, it shall afford the respondent an opportunity to demonstrate that no action should be taken against him. It further directs the Commission to "make an investigation of such alleged violation..." 2 U.S.C. § 437g (a)(2).

By its letter of notification of September 29, 1978, the Commission sought to advise you of your opportunity to demonstrate that action should not be taken. The questions enclosed with the letter were part of the Commission's investigation of this matter.

Since you have failed to voluntarily respond to the Commission's questions, the Commission on _____, 1978, ordered you to answer the enclosed questions. The Commission's order, issued pursuant to 2 U.S.C. § 437d(a)(1), is enclosed. Should you fail to comply with the terms of this Order, an enforcement action will be initiated in United States District Court.

The attorney assigned to this matter is Jay B. Myerson. Please contact him at (202) 523-4178 if you have any questions.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

1. Order
2. List of questions
3. Federal Election Campaign Laws,
June 1976
4. Rules and Regulations of
Federal Election Commission
(Federal Register, Vol. 41, No. 160,
August 25, 1976)



FEDERAL ELECTION COMMISSION

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

Mr. Glen Robinson
United States Marshal
450 Gloden Gate Avenue
San Francisco, California 94102

Re: MUR 690(78)

Dear Mr. Robinson:

We are requesting the assistance of your office in serving the enclosed order and questions upon Mr. Robert K. Herrling, chairman of the 16th Congressional District TRIM Committee, 48 San Miguel Avenue, Salinas, California 93901.

Under 2 U.S.C. § 437d(a)(1), the Commission is empowered to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe. Ordinarily, these orders are forwarded by certified mail. In this instance, the respondent was required to answer the questions by October 15, 1978. To date, the Commission has not received a response.

In connection with this matter, you should be aware that 2 U.S.C. § 437g(a)(3)(B) prohibits any person from making public the fact of any "notification or investigation" by the Commission until the person complained against agrees in writing to make public the investigation.

Please send your return on service to the Federal Election Commission, Attention: Jay B. Myerson, Office

-2-

of the General Counsel, 1325 K Street, N. W., Washington,
D. C. 20463. If you have any questions, please contact
Mr. Myerson at (202) 523-4178.

Thank you for your assistance.

Sincerely,

William C. Oldaker
General Counsel

0040192321



FEDERAL ELECTION COMMISSION

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

September 29, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert K. Herrling, Chairman
16th Congressional District TRIM
Committee
48 San Miguel Avenue
Salinas, California 93301

Re: MUR 690 (78)

Dear Mr. Herrling:

The Federal Election Commission has received a complaint from Gwendolen S. Buck Bernstein, Zerbe & Buck, Post Office Box 607, Pacific Grove, California 93950, which alleges your committee committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 690.

The complaint alleges that the 16th Congressional District TRIM Committee published a bulletin and placed a newspaper advertisement in the May 25, 1978, issue of The Salinas Californian which expressly advocated the defeat of Congressman Leon E. Panetta and failed to comply with the requirements of 2 U.S.C. 433 and 434(e) of the Act. Ms. Buck also maintains that the 16th Congressional District TRIM Committee's expenditures in opposing Congressman Leon E. Panetta should be reported as in-kind contributions to Mr. Panetta's general election opponent Eric Seastrand.

The Commission has found reason to believe that the matters alleged therein state a violation of 2 U.S.C. 433, 434(b)(13) and 2 U.S.C. 441d. Specifically, it appears that the 16th Congressional District TRIM Committee is a political committee which has not registered with the Commission as is required by 2 U.S.C. 433. Further, the Committee's Bulletin is a communication which expressly advocates the defeat of Congressman Leon E. Panetta. The

Bulletin does not contain the statements of authorization/non-authorization required by Section 44ld of the Act, and the 16th Congressional District TRIM Committee has not reported its expenditures expressly advocating the defeat of a clearly identified candidate pursuant to Section 434 (b) (13) of the Act.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

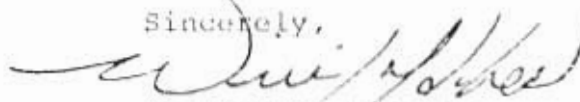
The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Jay B. Myerson, who is the attorney assigned to this matter, at 202-523-4178.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a) (3) (B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,



William C. Oldaker
General Counsel

0040192327

FEDERAL ELECTION COMMISSION QUESTIONS

TO: Mr. Robert K. Herrling

MUR 690 (78)

ATTACHMENT TO LETTER TO 16th CONGRESSIONAL DISTRICT TRIM COMMITTEE

1. How is the 16th Congressional District TRIM Committee (hereinafter referred to as "16th D.T.") organized (i.e., is it an incorporated organization, unincorporated organization, etc.)? When was the 16th D.T. formed?
2. The bulletin of the 16th D.T., a copy of which is attached, states that it is set up by National TRIM. Is this true? Please submit any copies of letters, memorandums etc. from National TRIM.
3. What is the purpose of 16th D.T. and who are the individuals responsible for establishing and implementing its general policy?
4. (a) Is 16th D.T. affiliated with any political party, political committee, candidate, corporation or labor organization. If so please state the name(s) of the affiliate(s). (See Section 100.14 (c) on page 19 of the Commission's Regulations for our definition of "affiliated," and see Section 431(b)(4) and (m) of Title 2, United States Code, located on pages 1 thru 7 of the Federal Election Campaign Laws, for our definitions of "political party," "political committee," and "candidate." For your convenience, copies of the Regulations and of the Federal Election Campaign Laws have been enclosed.)

(b) Is the 16th D.T. affiliated with, associated with, or a part of another TRIM Committee? If so, please state the name and address of that TRIM Committee.
5. (a) Please identify by name and address the individual(s) with the responsibility for preparing the 16th D.T. bulletin.

(b) Please identify the individual(s) with responsibility for preparing the advertisement, which is attached, which appeared in the May 25, 1978, edition of The Salinas Californian.

(c) Please identify the individual(s) with responsibility for preparing the analyses of Representative Leon E. Panetta's voting record.

6. What was the 16th D.T.'s purpose in publishing the 16th D.T. Bulletin? In publishing the newspaper advertisement?

7. (a) What was the date of publication of the 16th D.T. Bulletin that is marked as Attachment 2?

(b) How many copies of this edition were published?

(c) Was its distribution limited to persons within the 16th Congressional District?

(d) Did the 16th D.T. or National TRIM target any people or areas for receipt of these Bulletins? If so, please specify.

8. (a) What was the cost of researching, writing, printing, and distributing the 16th D.T. Bulletin?

(b) What was the cost of researching, writing, and printing of the 16th D.T. advertisement which appeared in the May 25, 1978, The Salinas Californian?

9. Other than the 16th D.T. Bulletin and the newspaper advertisement attached, did the 16th D.T. publish any other literature in 1977 or 1978? If so, please describe each such publication, give dates of publication, dates and places of distribution, and provide copies, if available. In this regard please include information about any other bulletins or advertisements placed by the 16th D.T. in any newspapers or magazines.

10. Other than the publication and distribution of literature, what other events or activities were sponsored or paid for by the 16th D.T. in 1977 and in 1978 to date (i.e., did the 16th D.T. sponsor seminars, provide speakers, present films, etc.) which involved non-members of the Committee.

11. (a) In 1977 what amount of money did the 16th D.T. expend in undertaking the activities referred to in questions 9 and 10?
- (b) To date in 1978, what amount of money has been expended by the 16th D.T. in undertaking the activities referred to in questions 9 and 10?
12. (a) What amount of money was contributed to the 16th D.T. in 1977?
- (b) What amount of money has been contributed to the 16th D.T. in 1978 to date?
13. (a) Please identify the individual(s) who placed the advertisement in The Salinas Californian.
- (b) Please identify by name and number the bank account from which the cost of the advertisement was paid, and provide a copy of the cancelled check, if any.
14. (a) Were there any 16th D.T. activities, including the 16th D.T. Bulletin and the newspaper advertisement in The Salinas Californian, which were conducted with the awareness of candidate Eric Seastrand, his political committee or his authorized agents?
- (b) Did candidate Seastrand, his political committee, or his authorized agents assist in the preparation of any of these materials?
15. (a) Was candidate Seastrand or any members of his committee invited to speak at any 16th D.T. functions?
- (b) Was there any correspondence between the 16th D.T. Committee and/or candidate Seastrand and his political committee concerning any other activities? If so, please provide any copies of correspondence, or the names of the people involved, and the dates.

30040192331

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

9/29/78

Mr. Robert K. Herrling, Chairman
16th Congressional District TRIM
Committee
48 San Miguel Avenue
Salinas, California 93301

JBM 9/29/78

Re: MUR 690 (78)

Dear Mr. Herrling:

The Federal Election Commission has received a complaint from Gwendolen S. Buck Bernstein, Zerbe & Buck, Post Office Box 607, Pacific Grove, California 93950, which alleges your committee committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 690.

The complaint alleges that the 16th Congressional District TRIM Committee published a bulletin and placed a newspaper advertisement in the May 25, 1978, issue of The Salinas Californian which expressly advocated the defeat of Congressman Leon E. Panetta and failed to comply with the requirements of 2 U.S.C. 433 and 434(e) of the Act. Ms. Buck also maintains that the 16th Congressional District TRIM Committee's expenditures in opposing Congressman Leon E. Panetta should be reported as in-kind contributions to Mr. Panetta's general election opponent Eric Seastrand.

The Commission has found reason to believe that the matters alleged therein state a violation of 2 U.S.C. 433, 434(b)(13) and 2 U.S.C. 441d. Specifically, it appears that the 16th Congressional District TRIM Committee is a political committee which has not registered with the Commission as is required by 2 U.S.C. 433. Further, the Committee's Bulletin is a communication which expressly advocates the defeat of Congressman Leon E. Panetta. The

Bulletin does not contain the statements of authorization/non-authorization required by Section 441d of the Act, and the 16th Congressional District TRIM Committee has not reported its expenditures expressly advocating the defeat of a clearly identified candidate pursuant to Section 434 (b) (13) of the Act.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Jay B. Myerson, who is the attorney assigned to this matter, at 202-523-4178.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

/s/
William C. Oldaker
General Counsel

30040192332

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
16th Congressional) MUR 690 (78)
District TRIM Committee)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 28, 1978, the Commission determined by a vote of 4-0 to adopt the recommendations of the General Counsel, as set forth in the First General Counsel's Report dated September 25, 1978, to take the following actions in the above-captioned matter:

1. Determine that there is reason to believe that the 16th Congressional District TRIM Committee is a political committee which violated 2 U.S.C. 433 by failing to register with the Commission; 2 U.S.C. 434(b)(13) for failing to report; and 2 U.S.C. 441d for failing to include the required statement of authorization or nonauthorization.
2. Send to the 16th Congressional District TRIM the letter and questions attached to the above-named report.

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

Attest:

9/29/78
Date

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

Received in Office of Commission Secretary: 9-25-78, 4:44
Circulated on 48 hour vote basis: 9-26-78, 4:00

September 25, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 690

Please have the attached First General Counsel's
Report on MUR 690 distributed to the Commission on a 48
hour tally basis.

Thank you.

00040192334

RECEIVED
OFFICE OF THE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

78 SEP 25 P 4: 44 FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION SEP 25 1978

MUR NO. 690(78)
DATE COMPLAINT RECEIVED
BY OGC
STAFF
MEMBER Myerson/Cummings

COMPLAINANT'S NAME: Gwendolen S. Buck on behalf of Leon Panetta

RESPONDENT'S NAME: 16th Congressional District TRIM Committee

RELEVANT STATUTE: 2 U.S.C. §§433, 434 and 441d

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On August 22, 1978, Gwendolen S. Buck sent to the Commission a notarized complaint made on behalf of Congressman Leon E. Panetta, a copy of an undated bulletin distributed by the 16th Congressional District TRIM Committee, ("16th D.T.") and a newspaper advertisement, placed by the 16th D.T. in the May 25, 1978 issue of The Salinas Californian. According to Ms. Buck, the newspaper advertisement cost approximately \$500.00.

In the complaint Ms. Buck alleges that the 16th D.T. has violated Sections 433 and 434 of the Federal Election Campaign Act and that the 16th D.T.'s expenditures in opposing Congressman Panetta should be reported as in kind contributions to Mr. Panetta's general election opponent Eric Seastrand. (Attachment I)

DISCUSSION

The bulletin consisted of four pages. The first three pages discuss the Federal government's involvement with energy, taxes and foreign aid. The last page reflects, in boxscore fashion, Congressman Panetta's voting record on six issues.^{1/} Congressman Panetta's votes are categorized as

^{1/} We note that the bulletin was copyrighted in 1977, and the bills that Congressman Panetta voted on were considered between 6/77 - 8/77.

for "HIGHER TAXES AND MORE GOVERNMENT" on five issues. He was listed as not having voted on one issue. (Attachment II)

The newspaper advertisement contained a boxscore, but did not contain the discussion that appeared in the first three pages of the 16th D.T. Bulletin. The boxscore in the advertisement differed somewhat from that of the bulletin in the following respects: Three headlines appear above the boxscore in the advertisement, the language of which implies that Congressman Panetta advocates inflationary spending. Under the headlines is a caption which states that Congressman Panetta's voting record "speaks for itself." The advertisement then gives a recapitulation of Congressman Panetta's voting record by presenting reproductions from the Spring '77, Summer '77, Fall '77 and Winter '77-78 issues of the TRIM bulletins.

PRELIMINARY LEGAL ANALYSIS

Rather than simply reporting Congressman Panetta's votes on the selected issues, the 16th D.T. Bulletin and the newspaper advertisement interpret the record through the selection of the votes reported, partisan comments in the description of the reported votes, categorization of reported votes as for "HIGHER TAXES AND MORE GOVERNMENT" or for "LOWER TAXES AND LESS GOVERNMENT" and by other methods. Congressman Panetta's photograph, name and address appear with the critiques of the Congressman's record. Such presentations constitute communications expressly advocating the defeat of a clearly identified Federal candidate. Payments by 16th D.T. for these presentations are expenditures, as that term is defined by the Act. 2 U.S.C. 431(f).

If the 16th D.T. made expenditures in a calendar year which aggregated in excess of \$1,000, it was a political committee (2 U.S.C. 431(d)), and it was required to file a registration statement with the Commission. 2 U.S.C. 433. The complainant has alleged that the 16th D.T. violated this provision, and the facts are supportive of this claim. So, for example, in 1978 the 16th D.T. has published and/or distributed at least one Bulletin and has placed at least one advertisement in a newspaper. The complainant provided the advertisement as an example of the partisan newspaper advertisements the organization had been placing, and the complainant stated that the cost of that one advertisement was approximately \$500. If the complainant's estimate is reasonably accurate, then just one other comparably priced advertisement, when combined with the cost of the Bulletin (estimated, based on information obtained in proceedings involving other TRIM affiliates, as being in excess of \$100 per each printing of 10,000 copies), would exceed the \$1,000 amount and necessitate registration.

We also believe that there has been a violation of a reporting provision, although which reporting provision has been violated turns on whether the expenditures were independently made and whether the Commission finds the 16th D.T. to be a political committee.

Persons, other than political committees or candidates, who make independent expenditures (in an aggregate amount in excess of \$100 in a calendar year) expressly advocating the election or defeat of a clearly identified candidate must file reports with the Commission. 2 U.S.C. 434(e). Where the person making the independent expenditure is a political committee, a report must be filed pursuant to 2 U.S.C. 434(b)(13). If however, the

expenditure is not independently made, it is a contribution, 2 U.S.C. 441a(a)(7)(B), and should be reported to the Commission by the recipient campaign organization pursuant to 2 U.S.C. 434(b)(2).

Here the 16th D.T. made expenditures in excess of \$100 in two separate calendar years. The complainant has alleged that the expenditures should be reported as in kind contributions to Congressman Panetta's opponent in the general election. Yet the complainant has not alleged any facts on which the Commission can base a determination that the expenditures were not independently made. Thus, at least at this junction, it would not be appropriate to treat these expenditures as other than independent.

If the Commission determines that the 16th D.T. is a political committee, then the applicable reporting provision would be 2 U.S.C. 434(b)(13); otherwise, 434(e) applies. In either event, however, expenditures in excess of \$100 were apparently made, expressly advocating the defeat of a clearly identified candidate without the required reports being filed with the Commission.

Finally, 2 U.S.C. 441d requires that any person who makes an expenditure to finance communications expressly advocating the election or defeat of a clearly identified candidate must include a statement of authorization or nonauthorization. Neither the Bulletin nor the advertisement contain such a statement.

RECOMMENDATIONS

We recommend that the Commission:

1. Determine that there is reason to believe that the 16th Congressional District TRIM Committee is a political committee which violated 2 U.S.C. 433 by failing to register with the Commission; 2 U.S.C. 434(b)(13) for failing to report; and 2 U.S.C. 441d for failing to include the required statement of authorization or nonauthorization.

2. Authorize the transmittal to the 16th Congressional District TRIM of the attached letter and questions.

ATTACHMENTS

1. Gwendolen S. Buck's notarized complaint
2. 16th D.T. Bulletin
3. Advertisement in The Salinas Californian
4. Letter to Respondent with questions
5. Certification

MUR670 (●) 681 46-49
BERNSTEIN, ZERBE & BUCK
PROFESSIONAL CORPORATION

EDWARD G. BERNSTEIN
CARL ZERBE
GWENDOLYN S. BUCK

FEDERAL ELECTION
LAW OFFICES
70 AUG 23 1978
LANTHOUSE AVENUE
POST OFFICE BOX 607
PACIFIC GROVE, CALIFORNIA 93950
(408) 373-0703
CABLE: ABRAXAS

Attachment 1

August 22, 1978

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

Dear Sir or Madam:

I wish to make a complaint pursuant to Section 111.2 of the F.E.C. Regulations.

I am the complainant, Gwendolen S. Buck, Post Office Box 4408, Carmel, California 93921, telephone (408) 624-8321.

This complaint is made on behalf of Leon Panetta regarding the activities of the 16th Congressional District TRIM Committee, Robert K. Herrling, Chairman, 48 San Miguel Avenue, Salinas, California 93901.

I allege that the following acts constitute a violation of the Federal Elections Campaign Act of 1971: The 16th Congressional District TRIM Committee has not, to the best of my knowledge, filed with the Federal Election Commission pursuant to 2 U.S.C., Sections 433 and 434. This Committee is clearly engaged in partisan political activities in California's 16th Congressional District at the federal level, which specifically have focused on opposing Congressman Panetta. You will note that both issues of the enclosed handbills contain the photograph of Congressman Panetta and that Committee mastheads identify the Committee as the "16th Congressional District TRIM Committee." The organization's activities have included not only the publication and distribution of the said handbills, but the placing of partisan newspaper advertisements, such as the enclosed item

Federal Election Commission
August 22, 1978
Page Two

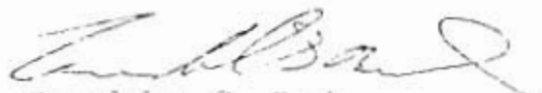
from the May 25, 1978, issue of The Salinas Californian.
This ad cost approximately \$500.00.

While there is no question about the right of citizens' groups to engage in partisan political activities of this kind, the TRIM Committee should be required to comply with the rules of the Federal Election Campaign Act, which applies to all political committees. Its expenditures in opposing Leon E. Panetta, the incumbent in the 16th Congressional District, should be reported as in kind contributions to his general election opponent, Eric Seastrand.

I believe your review and report will determine that there is "reason to believe" that the failure to comply with the provisions of Sections 433 and 434 by the TRIM Committee constitutes a violation of the Federal Election Campaign Act and request that you conduct a further investigation into the matter.

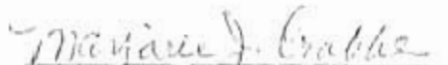
If you have any further questions, please do not hesitate to contact me.

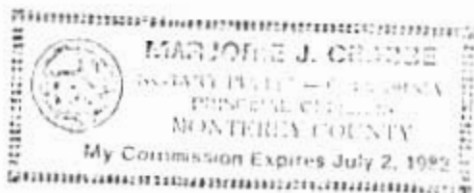
Very truly yours,


Gwendolen S. Buck

GSB:je
enc/

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 22nd day
of August, 1978


Notary Public





16th CONGRESSIONAL DISTRICT TRIM COMMITTEE

48 San Miguel Avenue, Salinas, California 93901

ROBERT K. HERRLING, Chairman

SALLY UGALE, Secretary

WILLIAM MOIR, Treasurer

GEORGE & HELEN WEYMOUTH, Vice Chairmen, San Luis Obispo County

FRED COLLIER, Vice Chairman, Santa Cruz County

RAYMOND C. WILSON, JR., Vice Chairman, San Benito County

BROOKS FISKE, Programs

IGNACIO ORONA, Publicity

JOE H. FIELDS, Membership

The Energy Crisis Story

Energy in one form or another is basic to the very life of every American. Just look around and consider the degree to which you depend on energy in all forms. It is basic to your home, your transportation, your job, the food you eat, the clothes you wear, and the life you live.

Political leaders, government bureaucrats, and the news media have been informing the American public that we have entered an age of energy crisis. We are being told that major fuel supplies such as oil and natural gas will be depleted within a few years. The government answer to this situation is to recommend — even enforce — a drastic change in our standard of living and a movement to mandatory conservation with total curtailment of energy consumption.

Contrary to massive propaganda about impending energy doom, America is nowhere near "running out" of oil and natural gas. In fact, known reserves of both of these fuels are abundant. Such shortages as exist are not natural, but are the result of government action which is blocking back production through excessive price controls.

Private oil and gas producers in the oil and gas industries have often noted that federal price controls on oil and gas have removed the incentive for exploration and

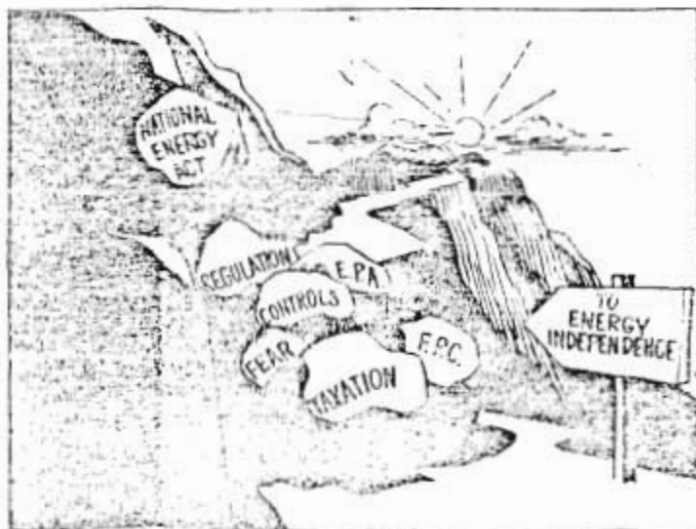
have also denied the revenues necessary for development of sophisticated — and more expensive — methods of recovery. The result is that millions of barrels of oil and trillions of cubic feet of natural gas lie untouched within our national boundaries, kept from the market by federal regulators.

Consider: Ninety-eight percent of the outer continental shelf lease areas has never been put up for sale or lease. Over ninety-six percent of

available onshore and offshore lease locations has not yet been released by the government even for exploration. Fifty percent of oil and gas reserves and forty percent of coal deposits are on federal lands, where their availability is blocked by a maze of bureaucratic red tape.

Over half of Alaska's oil potential isn't even available for drilling, because Congress has "set aside" some twenty-four million acres. The

(Continued on page two)



Government controls block the way

00000192340



LEON E. PANETTA
16th District, California
437 Cannon House Office Building
Washington, DC 20515
(202) 225-2861

HOW DOES YOUR REPRESENTATIVE VOTE?

	Date, Bill Number, and Measure	Average Cost per House-hold	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
More Government The House passed legislation that created a new bureaucracy with 20,000 employees. The Act enlarges federal control over energy, extending price and allocation controls which will perpetuate the energy shortage—not lessen it, and will impose an added cost burden on the nation's consumer-taxpayers. Ask your Representative: If the new baby DOE costs \$10.6 billion, what does he expect it to cost when it grows up? (Cong. Rec., Pages H5471-H5496)	6/3/77 Dept. of Energy Org. Act, H.R. 6804. Cost, \$10.6 B.	\$141		X
Taxpayers Must Pay A costly game for taxpayers goes on each year when public works appropriations come up for a vote. It's called by some House members, "You scratch my back, I'll scratch yours," as they vote to provide their home districts and states with dams, canals, reservoirs, and flood control jobs etc. which the taxpayers will ultimately have to pay for. (Cong. Rec., Pages H3653-H3679)	6/14/77 Pub. Works Appropriations, H.R. 7553. Cost, \$10.2 B.	\$136		X
More Government Spending The House increased appropriations for HUD and related agencies by \$3.1 billion for fiscal year 1978, up to \$50.7 billion. One-half of this total will be given to the oppressive FHA and at the same time 200 more FHA employees were authorized, raising the total to more than 6,000, counting the 600 employees who previously had 1977. Shouldn't your Representative be voting to reduce the appropriations, not increase it, if he is truly looking out for the taxpayers' interest? (Cong. Rec., Pages H3911-H3913)	6/15/77 HUD Appropriations, H.R. 7554. Cost, \$70.2 B.	\$934		X
Food Stamps The \$12.46 billion so-called Agriculture Bill appropriates \$5.6 billion for food stamps and another \$1 billion for the Food for Peace program through July. Only \$2 billion or one-sixth of the total is allotted to related agricultural production. The food stamp program is out of control? A fourth of all those receiving food stamps are ineligible or are getting more than they should. (Cong. Rec., H5233-H5249)	6/21/77 Agr. Appropriations Bill, H.R. 7558. Cost, \$12.6 B.	\$159	DID NOT VOTE	
Foreign Aid The House of Representatives has a record of approving the latest foreign aid bill in twenty-five years. The \$7 billion increase in aid to international financial institutions over which the House still holds given up all control. H.R. 7737 is one of several bills that funnel your tax dollars to foreign countries. Ask your Representative about the others. (Cong. Rec., Pages H5601-H5611)	6/23/77 Foreign Aid, H.R. 7737. Cost, \$7 B.	\$92	X	
Consumers Will Pay Labeled a "great deception," the so-called Fuel and Energy Act mandates strict conservation of energy, such as government controls and price increases. It also attempts to bring to increase production or to increase our dependence on foreign oil. If your Representative voted for it, he's being asked to raise the cost of your gasoline, fuel oil, and utility bills. (Cong. Rec., Pages H5753-H5771)	8/5/77 National Energy Act, H.R. 8444. Cost, \$39 B.	\$519*		X

*Weight 1977 TRIM
\$1000 = 100% Increase

204019234

(Energy Crisis continued)

"set aside" area known as Naval Petroleum Reserve Number 4 (NPR 4) is about as large as the entire Prudhoe Bay field, which it directly borders. Geologists estimate that there is as much oil in NPR 4 as there is in the entire Prudhoe Bay field.

National Energy Act

On August 5, 1977, the House of Representatives voted 244-177 in favor of the 580-page National Energy Act, H.R. 8444. This Act has been labelled "the greatest single tax increase in American history." It hits the wage earner, the small farmer, the small businessman, and the individual homeowner. It stresses mandatory conservation and has precious little to do with production. As one Congressman pointed out, "Conservation never filled a gas tank." The energy problem is not only one of demand, it is also a problem of supply. The Communist/Socialist way to solve a shortage is to divide up the "too little." The American way is to produce more. The National Energy Act in no way resembles the American way.

Rig Tax Bill

Prices on oil and gas will be taxed upward under the Energy Act, allegedly to induce conservation. Such a scheme does nothing to produce the additional energy supplies needed by industry to operate. And the Act does not help the poor or the working man. What it does do is levy an additional seven cents tax on each gallon of gasoline he must purchase.

Wishing any increase in domestic oil production will ensure continued reliance on imported oil. Moreover, this bill, as passed by the House, raises the cost of domestic crude to equal the cost of OPEC oil. According to Representative Dale Milford (D-Texas), "The so-called energy bill is in fact a vicious tax bill. Over the next

three years it will tax Americans over \$39 billion. That amounts to a 7¢ tax on each gallon of gasoline that my constituents will purchase. Putting it another way, it will cost every American man, woman, and child \$600. Putting it in still another form, this amounts to an increase of thirty percent in the

average American's income taxes."

The Senate will soon consider H.R. 8444. Write to your Senators now to express your opinion about this bill, which does nothing to increase energy production but will certainly increase your taxes and give the government still more control over your life.

They Don't Pay Taxes

Some of the highest paid bureaucrats in the world, ninety-five percent of whom live in the United States, pay NO United States income tax at all. Many of these employees make as much as fifty-seven percent more than comparable employees of the U.S. Civil Service. One of the fringe benefits enjoyed by these affluent paper pushers is the ability to obtain substantial loans at interest rates as low as four percent for such items as a down payment on a house. Such low-interest loans are subsidized by the American taxpayer.

The beneficiaries of this series of loananzas are the employees of the World Bank, the Asian Development Bank, the Inter-American Development Bank, the African Development Fund, the International Finance Corporation, and the International Development Association.

In a recent "Dear Colleague" letter, Representative C. W. Young (R-Fla.) asked:

How would your constituents feel if they knew that some of their tax dollars appropriated to the World Bank, intended for the "poorest of the poor," actually end up in the pockets of World Bank employees in the form of personal loans? That's right — and at rates as low as 4%. Don't you think it is time to reconsider those glibiose statements about the World Bank giving our money to the "poorest of the poor," when it so often ends up in the hands of the "richest of the rich?"

It is bad for the American taxpayer to subsidize personal loans for the World Bank employees but even worse when these same people refuse to testify before our Committees, refuse to provide us with audits of their loans, and refuse to allow a member of Congress to sit in on their decision making meetings.

According to a July 5th letter to Treasury Secretary Blumenthal, Mr. Robert S. McNamara, President of the World Bank, bluntly said: "No condition can be imposed which would restrict the power of the bank." Officials of three American-financed international lending institutions, who receive tremendous salaries and pay no U.S. income tax, consider themselves above the taxpayers and Congress.

The final version of H.R. 8444 authorized the expenditure of \$5.1 billion for the World Bank and the five other institutions. The Foreign Aid Programs Assistance Act of 1978, H.R. 7797, funnels an additional \$2.1 billion into the pot. While Robert McNamara refuses to accept any conditions restricting the use of our money, he and the banks for which he speaks have no qualms about accepting it.

How much longer will you, Mr. Taxpayer, allow Congress to give your hard-earned tax dollars to the World Bank and other international lending institutions for their secret operations?

Foreign Aid Ripoff Continues Unabated

The phrase "foreign aid" once conveyed the notion of charity and magnanimity. But today, in the minds of most of the American taxpayers, foreign aid is a huge rip-off. No other program is so mistrusted or disliked as this continuing giveaway of our money, goods, and technology to foreign nations.

Yet foreign aid continues, despite a growing unpopularity that has been measured and remeasured by various opinion polls. As the spending continues, the politicians claim it is vital to the interests of the nation. The taxpayers grumble and insist that you can't buy friendship. Then the nation's elected Representatives begin the annual charade. They lay the lash to foreign aid, they decry the foreign giveaways, and they even hack away at the funding requests with an imaginary knife.

But despite the soothing rhetoric, the politicians manage to spend more of your tax dollars for foreign aid each year, though even big spenders like Congressman H. F. Sisk (D-Calif.) find it objectionable. He contends, "Water is life as any part of the country I cannot sit idly by while life-sustaining, food-producing water projects are continually cut out of the budget" (by the President) when at the same time our people's money [tax dol-

lars] is being sent overseas to fund somebody else's water projects."

On May 25, 1977, Secretary of State Cyrus Vance told a group of Congressmen that the Administration plans to double foreign aid in the next five years. This will mean an expenditure of nearly \$15 billion by 1982. Since 1946, the politicians have voted nearly \$200 billion of your tax dollars for foreign aid — with results that are at least questionable.

Congress loses control

The Foreign Aid Programs Assistance Act of 1978, H.R. 7797, is the biggest foreign aid spending bill in three decades. Included in the bill is \$2.1 billion for the six international banks listed in the preceding article. In this connection one fact that receives little publicity is that virtually all Congressional control over these banks has been eliminated. In fact, officials of these international lending institutions refused to appear before Congress to testify or to furnish any requested information when the bill was being written. There are no strings attached to the gifts. Your tax dollars will be turned over to the banks to be loaned out at very low interest rates to all comers, including Communists, socialists,

tin-pot dictators and America-haters.

Total cost hidden

Because the foreign aid program is so unpopular with the taxpayers, the administration makes it extremely difficult for the public to determine the exact number of tax dollars being spent. For example, the Foreign Aid Appropriation bill for 1975 totaled \$3.7 billion, the budget of the United States government for fiscal year 1977 listed foreign aid expenditures during fiscal year 1975 as \$1.9 billion; but the Agency for International Development (AID) reported to Congress that the total foreign aid for that year amounted to \$7.2 billion.

The Foreign Aid Programs Assistance Act of 1978, H.R. 7797, provides for the expenditure of nearly \$2 billion in the next fiscal year, \$2 billion more than in fiscal 1977. And this amount does not include funds for military assistance or for the Food for Peace program.

Turn to page four to see "How Your Representative Voted" on H.R. 7797. We suggest you write to him to express approval or disapproval. In either case, who don't you ask him how many tax dollars will be spent on foreign aid in the current fiscal year? Ask him to send you a copy of the latest Agency for International Development report. Enough expressions of indignation from "lock home" reach Congress, wealthy and harmful foreign aid will be stopped.

It's time for lower taxes.

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



- ☐ Send a free copy of the TRIM catalog. I've enclosed a stamped, self-addressed envelope.
- ☐ I'm fed up with taxes. I hope the bigger government. Please tell me how I can help obtain "Lower Taxes Through Less Government."
- ☐ I've enclosed a dollar to help pay for the cost of printing and distributing the TRIM Bulletin.
- ☐ I would like to be a TRIM volunteer to distributing TRIM Bulletins in my neighborhood. Please contact me.

Name _____
Address _____
City _____ State _____ Zip _____



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert K. Herrling, Chairman
16th Congressional District TRIM
Committee
48 San Miguel Avenue
Salinas, California 93301

Re: MUR 690 (78)

Dear Mr. Herrling:

The Federal Election Commission has received a complaint from Gwendolen S. Buck Bernstein, Zerbe & Buck, Post Office Box 607, Pacific Grove, California 93950, which alleges your committee committed certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). We have numbered this matter MUR 690.

The complaint alleges that the 16th Congressional District TRIM Committee published a bulletin and placed a newspaper advertisement in the May 25, 1978, issue of The Salinas Californian which expressly advocated the defeat of Congressman Leon E. Panetta and failed to comply with the requirements of 2 U.S.C. 433 and 434(e) of the Act. Ms. Buck also maintains that the 16th Congressional District TRIM Committee's expenditures in opposing Congressman Leon E. Panetta should be reported as in-kind contributions to Mr. Panetta's general election opponent Eric Scastrand.

The Commission has found reason to believe that the matters alleged therein state a violation of 2 U.S.C. 433, 434(b)(13) and 2 U.S.C. 441d. Specifically, it appears that the 16th Congressional District TRIM Committee is a political committee which has not registered with the Commission as is required by 2 U.S.C. 433. Further, the Committee's Bulletin is a communication which expressly advocates the defeat of Congressman Leon E. Panetta. The

Bulletin does not contain the statements of authorization/non-authorization required by Section 441d of the Act, and the 16th Congressional District TRIM Committee has not reported its expenditures expressly advocating the defeat of a clearly identified candidate pursuant to Section 434 (b) (13) of the Act.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Additionally please submit answers to the enclosed questions. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Jay B. Myerson, who is the attorney assigned to this matter, at 202-523-4178.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a) (3) (B) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

0040102345

FEDERAL ELECTION COMMISSION QUESTIONS

TO: Mr. Robert K. Herrling

MUR 690 (78)

ATTACHMENT TO LETTER TO 16th CONGRESSIONAL DISTRICT TRIM COMMITTEE

- 004710234
1. How is the 16th Congressional District TRIM Committee (hereinafter referred to as "16th D.T.") organized (i.e., is it an incorporated organization, unincorporated organization, etc.)? When was the 16th D.T. formed?
 2. The bulletin of the 16th D.T., a copy of which is attached, states that it is set up by National TRIM. Is this true? Please submit any copies of letters, memorandums etc. from National TRIM.
 3. What is the purpose of 16th D.T. and who are the individuals responsible for establishing and implementing its general policy?
 4. (a) Is 16th D.T. affiliated with any political party, political committee, candidate, corporation or labor organization. If so please state the name(s) of the affiliate(s). (See Section 100.14 (c) on page 18 of the Commission's Regulations for our definition of "affiliated," and see Section 431(b)(d) and (m) of Title 2, United States Code, located on pages 1 thru 7 of the Federal Election Campaign Laws, for our definitions of "political party," "political committee," and "candidate." For your convenience, copies of the Regulations and of the Federal Election Campaign Laws have been enclosed.)

(b) Is the 16th D.T. affiliated with, associated with, or a part of another TRIM Committee? If so, please state the name and address of that TRIM Committee.
 5. (a) Please identify by name and address the individual(s) with the responsibility for preparing the 16th D.T. bulletin.

(b) Please identify the individual(s) with responsibility for preparing the advertisement, which is attached, which appeared in the May 25, 1978, edition of The Salinas Californian.

(c) Please identify the individual(s) with responsibility for preparing the analyses of Representative Leon E. Panetta's voting record.

6. What was the 16th D.T.'s purpose in publishing the 16th D.T. Bulletin? In publishing the newspaper advertisement?

7. (a) What was the date of publication of the 16th D.T. Bulletin that is marked as Attachment 2?

(b) How many copies of this edition were published?

(c) Was its distribution limited to persons within the 16th Congressional District?

(d) Did the 16th D.T. or National TRIM target any people or areas for receipt of these Bulletins? If so, please specify.

8. (a) What was the cost of researching, writing, printing, and distributing the 16th D.T. Bulletin?

(b) What was the cost of researching, writing, and printing of the 16th D.T. advertisement which appeared in the May 25, 1978, The Salinas Californian?

9. Other than the 16th D.T. Bulletin and the newspaper advertisement attached, did the 16th D.T. publish any other literature in 1977 or 1978? If so, please describe each such publication, give dates of publication, dates and places of distribution, and provide copies, if available. In this regard please include information about any other bulletins or advertisements placed by the 16th D.T. in any newspapers or magazines.

10. Other than the publication and distribution of literature, what other events or activities were sponsored or paid for by the 16th D.T. in 1977 and in 1978 to date (i.e., did the 16th D.T. sponsor seminars, provide speakers, present films, etc.) which involved non-members of the Committee.

- 00100343
11. (a) In 1977 what amount of money did the 16th D.T. expend in undertaking the activities referred to in questions 9 and 10?
- (b) To date in 1978, what amount of money has been expended by the 16th D.T. in undertaking the activities referred to in questions 9 and 10?
12. (a) What amount of money was contributed to the 16th D.T. in 1977?
- (b) What amount of money has been contributed to the 16th D.T. in 1978 to date?
13. (a) Please identify the individual(s) who placed the advertisement in The Salinas Californian.
- (b) Please identify by name and number the bank account from which the cost of the advertisement was paid, and provide a copy of the cancelled check, if any.
14. (a) Were there any 16th D.T. activities, including the 16th D.T. Bulletin and the newspaper advertisement in The Salinas Californian, which were conducted with the awareness of candidate Eric Seastrand, his political committee or his authorized agents?
- (b) Did candidate Seastrand, his political committee, or his authorized agents assist in the preparation of any of these materials?
15. (a) Was candidate Seastrand or any members of his committee invited to speak at any 16th D.T. functions?
- (b) Was there any correspondence between the 16th D.T. Committee and/or candidate Seastrand and his political committee concerning any other activities? If so, please provide any copies of correspondence, or the names of the people involved, and the dates.

FEDERAL ELECTION COMMISSION

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

August 28, 1978

Gwendolen S. Buck
P.O. Box 4408
Carmel, California 93921

Dear Ms. Buck:

This is to acknowledge receipt of your complaint of August 22, 1978 on behalf of Leon Panetta, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely,



Lester N. Scall
Assistant General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

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

August 28, 1978

Gwendolen S. Buck
P.O. Box 4408
Carmel, California 93921

Dear Ms. Buck:

This is to acknowledge receipt of your complaint of August 22, 1978 on behalf of Leon Panetta, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lester N. Scall", is written over the word "Sincerely,".

Lester N. Scall
Assistant General Counsel

Enclosure

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MUR 690 22 81

GOO #
4649

BERNSTEIN, ZERBE & BUCK
PROFESSIONAL CORPORATION

EDWARD G. BERNSTEIN
CARL ZERBE
GWENDOLEN S. BUCK

FEDERAL ELECTION
COMMISSION

78 AUG 23 PM 12:17
LAW OFFICES
LIGHTHOUSE AVENUE
POST OFFICE BOX 607
PACIFIC GROVE, CALIFORNIA 93950
(408) 323-0201
CABLE: ABRAXAS

August 22, 1978

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

Dear Sir or Madam:

I wish to make a complaint pursuant to Section 111.2 of the F.E.C. Regulations.

I am the complainant, Gwendolen S. Buck, Post Office Box 4408, Carmel, California 93921, telephone (408) 624-8321.

This complaint is made on behalf of Leon Panetta regarding the activities of the 16th Congressional District TRIM Committee, Robert K. Herrling, Chairman, 48 San Miguel Avenue, Salinas, California 93901.

I allege that the following acts constitute a violation of the Federal Elections Campaign Act of 1971: The 16th Congressional District TRIM Committee has not, to the best of my knowledge, filed with the Federal Election Commission pursuant to 2 U.S.C., Sections 433 and 434. This Committee is clearly engaged in partisan political activities in California's 16th Congressional District at the federal level, which specifically have focused on opposing Congressman Panetta. You will note that both issues of the enclosed handbills contain the photograph of Congressman Panetta and that Committee mastheads identify the Committee as the "16th Congressional District TRIM Committee." The organization's activities have included not only the publication and distribution of the said handbills, but the placing of partisan newspaper advertisements, such as the enclosed item

Federal Election Commission
August 22, 1978
Page Two

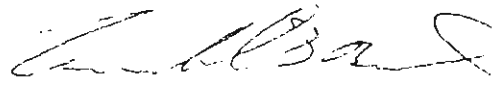
from the May 25, 1978, issue of The Salinas Californian.
This ad cost approximately \$500.00.

While there is no question about the right of citizens' groups to engage in partisan political activities of this kind, the TRIM Committee should be required to comply with the rules of the Federal Election Campaign Act, which applies to all political committees. Its expenditures in opposing Leon E. Panetta, the incumbent in the 16th Congressional District, should be reported as in kind contributions to his general election opponent, Eric Seastrand.

I believe your review and report will determine that there is "reason to believe" that the failure to comply with the provisions of Sections 433 and 434 by the TRIM Committee constitutes a violation of the Federal Election Campaign Act and request that you conduct a further investigation into the matter.

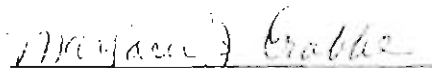
If you have any further questions, please do not hesitate to contact me.

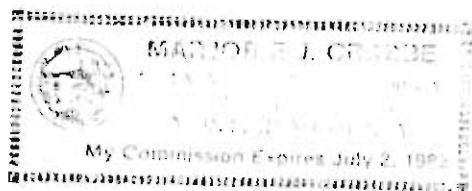
Very truly yours,


Gwendolen S. Buck

GSB:jc
enc/

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 22nd day
of August, 1978


Notary Public



HO is causing inflation? HO is causing increased taxation? HO is behind the growth of government controls, red tape, bureaucracy, etc? And GROWING Every Day!!

See our congressman's voting record below on 28 major tax-related issues, which speaks for itself.

(Reproduced as a public service by your Local TRIM committee)

(Spring 77 issue)		HOW DOES YOUR REPRESENTATIVE VOTE?			
LEONE E. PANETTA 16th District, California 437 Cannon House Office Building Washington, DC 20515 (202) 225-2861		Date, Bill Number, and Measure	Average Cost per Household	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
Income Tax Reduction		2/23/77 Household Amendment to H. Con. Res. 110 Cost: \$33 billion	\$444		X
Increased Government Spending		2/23/77 H. Con. Res. 110 Cost: \$70 billion	\$289		X
Public Works Projects		2/24/77 H.R. 11 Public Works Development Act Cost: \$4 billion	\$53		X
Payors Lose Again		3/8/77 Motion to Recommit H.R. 3477 Cost: \$11 billion	\$147	X	
Economic Stimulus Appropriation Act		3/15/77 H.R. 4876 Cost: \$22.6 billion	\$304		X
Supplement Appropriations Bill 1977		3/16/77 H.R. 4877 Supp. Approp. Bill, 1977 Cost: \$29.4 billion	\$382		X

(Summer 77 issue)		HOW DOES YOUR REPRESENTATIVE VOTE?			
LEONE E. PANETTA 16th District, California 437 Cannon House Office Building Washington, DC 20515 (202) 225-2861		Date, Bill Number, and Measure	Average Cost per Household	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
Federal Spending Skyrockets		5/5/77 H. Con. Res. 214 Cost: \$485 billion	\$8250		X
Taxpayers Lose Again		4/27/77 Latta Amend. to H. Con. Res. 195 Cost: \$47 billion	\$632		X
State Department Expenses		5/4/77 H.R. 6689 Cost: \$1.7 billion	\$23		X
More Foreign Aid		5/12/77 H.R. 6714 Cost: \$1.7 billion	\$23		X
More Revenue Sharing		5/13/77 H.R. 6810 Cost: \$2.5 billion	\$34		X
Still More Foreign Aid		5/24/77 H.R. 6884 Cost: \$3.2 billion	\$43		X

(Fall 77 issue)		HOW DOES YOUR REPRESENTATIVE VOTE?			
LEONE E. PANETTA 16th District, California 437 Cannon House Office Building Washington, DC 20515 (202) 225-2861		Date, Bill Number, and Measure	Average Cost per Household	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT
More Government		6/3/77 Dept. of Energy Org. Act, H.R. 6804 Cost: \$10.6 B.	\$141		X
Payors Must Pay		6/14/77 Pub. Works Appropriation, H.R. 7553 Cost: \$10.2 B.	\$136		X
More Government Spending		6/15/77 HUD Appropriations, H.R. 7554 Cost: \$70.2 B.	\$834		X
Post Office Stamps		6/21/77 Agr. Appropriations Bill, H.R. 7558 Cost: \$12.6 B.	\$168	DID NOT VOTE	
Foreign Aid		6/23/77 Foreign Aid, H.R. 7797 Cost: \$7 B.	\$93	X	

(Winter 77-78 issue)		HOW DID YOU REPRESENTATIVE VOTE?			
LEONE E. PANETTA 16th District, California 437 Cannon House Office Building Washington, DC 20515 (202) 225-2861		TOTAL COST APPROX. COST PER HOUSEHOLD	VOTED FOR LOWER TAXES AND LESS GOVERNMENT	VOTED FOR HIGHER TAXES AND MORE GOVERNMENT	
THE FEDERAL MOVERS		\$14.3 billion \$190		X	
THE FEDERAL BUSYBODY		\$7.8 billion \$105		X	
THE FEDERAL LANDLORD		\$19.3 billion \$224		X	
THE FEDERAL SCIENTIST		\$5.5 billion \$53		X	
THE FEDERAL PLUMBER		\$10.3 billion \$137		X	
THE FEDERAL PLANTATION		\$13.8 billion \$184		X	
THE FEDERAL SOCIAL WORKER		\$60.2 billion \$802		X	
THE FEDERAL SPENDING		\$459.5 billion \$6126		X	

TRIM BULLETIN

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

**Lower Taxes Through
Less Government**

16th CONGRESSIONAL DISTRICT TRIM COMMITTEE

48 San Miguel Avenue, Salinas, California 93901

ROBERT K. HERRLING, *Chairman*

SALLY UGALE, *Secretary*

WILLIAM MOIR, *Treasurer*

GEORGE & HELEN WEYMOUTH, *Vice Chairmen*, San Luis Obispo County

FRED COLLIER, *Vice Chairman*, Santa Cruz County

RAYMOND C. WILSON, JR., *Vice Chairman*, San Benito County

BROOKS FISKE, *Programs*

IGNACIO ORONA, *Publicity*

JOE H. FIELDS, *Membership*

The Energy Crisis Story

Energy in one form or another is basic to the very life of every American. Just look around and consider the degree to which you depend on energy in all forms. It is basic to your home, your transportation, your job, the food you eat, the clothes you wear, and the life you live.

Political leaders, government bureaucrats, and the news media have been informing the American public that we have entered an age of energy crisis. We are being told that mineral fuel supplies such as oil and natural gas will be depleted within a few years. The government answer to this situation is to recommend—even enforce—a drastic change in our standard of living and a movement to "rationalize" conservation with rigid curtailment of energy consumption.

Contrary to massive propaganda about impending energy doom, America is nowhere near "running out" of oil and natural gas. In fact, known reserves of both of these fuels are abundant. Such shortage exists is not natural but is the result of government action which is flooding the market through such means as price controls.

Private industry and spokesmen for the affected industries have often noted that federal price controls on oil and gas have removed the incentive for exploration and

have also denied the revenues necessary for development of sophisticated—and more expensive—methods of recovery. The result is that millions of barrels of oil and trillions of cubic feet of natural gas lie untouched within our national boundaries, kept from the market by federal regulators.

Consider. Ninety-eight percent of the outer continental shelf lease areas has never been put up for sale or lease. Over ninety-six percent of

available onshore and offshore lease locations has not yet been released by the government even for exploration. Fifty percent of oil and gas reserves and forty percent of coal deposits are on federal lands, where their availability is blocked by a maze of bureaucratic red tape.

Over half of Alaska's oil potential is even available for drilling, because Congress has "set aside" some twenty-four million acres. The

(Continued on page two)



Government controls block the way



BERNSTEIN, ZERBE & BUCK
PROFESSIONAL CORPORATION
73 LIGHTHOUSE AVENUE
POST OFFICE BOX 607
PACIFIC GROVE, CALIFORNIA 93926

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

12:17



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 690

Date Filmed 6/16/80 Camera No. --- 2

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