



FEDERAL ELECTION COMMISSION

1200 K STREET, N.W.
WASHINGTON, D.C. 20463

file
FEB 09 '77

Mr. Leonard Greenberg
1436 Yellowwood Court
Reston, VA 22090

Re: MUR 330 (76)

Dear Mr. Greenberg:

7704103143
This letter further acknowledges your letter dated October 22, 1976, alleging certain violations of the Federal Election Campaign Act of 1971, as amended, by the President Ford Committee. In view of the fact that there are at the present time no articulated standards defining what is a "clear and conspicuous" notice of authorization or non-authorization, the Commission has determined to take no action on your allegations and to close its files on the matter. However, we do wish to advise you, for your information, that the Commission plans to take regulatory action concerning when a notice is "clear and conspicuous" under §441d and we welcome your further comments in this regard.

Sincerely yours,

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

file
FEB 09 1977

Mr. James A. Baker, Chairperson
President Ford Committee
1828 L Street, N.W.
Washington, D.C. 20036

Re: MUR 330 (76)

Dear Mr. Baker:

7704100146
I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the enclosed copy of my letter to complainant, the Commission believes that there is no basis for further action in this matter since there are no articulated standards defining when a notice of authorization or non-authorization is "clear and conspicuous." However, the Commission does plan to take regulatory action with regard to when a notice is "clear and conspicuous" under §441d.

Sincerely yours,

William Oldaker
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
President Ford Committee)

MUR 330 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 27, 1977, the Commission determined by a vote of 5-0 that there was no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed in the above-captioned matter. Commissioner Tiernan was absent at the time of the vote.

Accordingly, the file in this matter has now been closed.

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040061

December 14, 1976

MEMORANDUM FOR: BILL OLDAKER
FROM: MARJORIE EMMONS *mue*
RE: MUR 330 (76) and MUR 304 (76)

The above mentioned MURs were transmitted to the Commissioners on Monday, December 13, 1976, at 10:00 a.m.

Two objections have been received on MUR 330 (76) resulting in its inclusion on the Compliance Agenda for December 16, 1976.

Because of the recommendation to merge MUR 304 (76) with MUR 330 (76), MUR 304 (76) has been placed on the Compliance Agenda for December 16, 1976 even though MUR 304 (76) has received, as of 10:00 a.m., December 14, 1976, only two of the three objections necessary for placement on the Agenda.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

DATE AND TIME OF TRANSMITTAL: 12-13-76

NO. MUR 330 (76)

REC'D: _____

FEDERAL ELECTION COMMISSION
Washington, D. C.

*Lack vote -
Put away to -
next meeting*

Complainant's Name: Leonard Greenberg

Respondent's Name: President Ford Committee

Relevant Statute: 2 U.S.C. §441d

Internal Reports Checked: None

Federal Agencies Checked: _____

SUMMARY OF ALLEGATION

The complainant alleges that the PFC notice on an advertisement

appearing in the Reston, Virginia Times is not "clearly and conspicuously" displayed as required by 2 U.S.C. §441d. Our research of this matter indicates that a notice of a similar size to that in the Reston Times appeared in at least two other newspapers. Our research also indicates that in at least three other ads, no notice appeared.

PRELIMINARY LEGAL ANALYSIS

"Clearly and conspicuously" is defined in §110.11(2)(ii) of the

Regulations as, "in a manner calculated to provide actual notice to a reader, listener, or viewer." Although this does not indicate the actual type size required for a §441d notice, it is clear that the notice in question (when it did appear on this ad) was in a very small type size, and that, further, the type size appears to be substantially smaller than that used in other PFC ads.

RECOMMENDATION

Continued
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Leave file open; find reason to believe; send attached letters.

We base this conclusion on our sampling of various ads placed by PFC in five major newspapers (the New York Time, Washington Post, Los Angeles Times, Chicago Tribune, and St. Louis Post-Dispatch) during the month of October, 1976. The notice on each of these ads was larger than that of the Newsweek/Playboy ad. Significantly, the ads sampled dealt with specific issues: the Hispanic community, President Ford's statement on Soviet Domination in Eastern Europe, and Carter's statements on issues such as busing, defense, and ethnic neighborhoods.

The failure to place a notice of authorization or nonauthorization on certain of the ads gives the Commission reason to believe that a violation of §44ld has been committed. PFC should be advised of this problem since it placed at least three of the ads in question.

77041001145
FEDERAL ELECTION COMMISSION
GENERAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leonard Greenberg
1436 Yellowwood Court
Reston, VA 22090

Re: MUR 330 (76)

Dear Mr. Greenberg:

We have completed a preliminary review of your complaint and have numbered it as MUR 330. Please refer to this number in any further correspondence.

A summary of your complaint has been forwarded to respondent. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The staff member assigned to this matter is Michele Brown (telephone no. 202/382-1047). Please do not hesitate to write or call if you have any further questions.

Sincerely yours,

John G. Murphy, Jr.
General Counsel



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Leonard Greenberg
1436 Yellowwood Court
Reston, Virginia 22090

Re: MUR 330 (76)

NOV 9 1976

Dear Mr. Greenberg:

This is to acknowledge receipt of your complaint of October 22, 1976, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William C. Oldaker
Assistant General Counsel

Enclosure
MBrown:pjg:11/5/76
cc: Chron file
MUR file
MB

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7704000469

277617

TO: RECEIPTS OF COMPLIANCE PACKET
CONTAINING MURs 330 (76) & MUR 304 (76)
 FROM: Office of Commission Secretary

Please attach the enclosed
complaint to MUR 330 (76) transmitted
this date.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

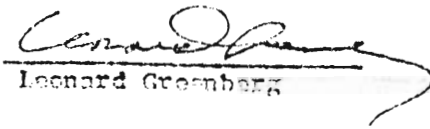
66-917 Re: Carter
mur 336

LEONARD GREENBERG
1436 Yellowwood Court
Reston, Virginia 22090
(703) 437-7985

FEDERAL ELECTION
COMMISSION

November 1, 1976
NOV 2 AM 9:02

I, Leonard Greenberg, certify that the facts stated in the enclosed copy of my original letter to the Federal Election Commission, dated October 22, 1976, are indeed correct.


Leonard Greenberg

783351

770400047

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

LEONARD GREENBERG
1436 Yellowwood Court
Reston, Virginia 22090

cc # 117

October 22, 1976

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

Dear Sir:

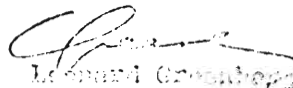
I wish to register a formal complaint with respect to the enclosed advertisement which appeared in the Reston Times, Thursday, October 21.

My complaint is not with respect to the advertisement per se, but rather with the deceptively small print and inconspicuous location used to identify the sponsoring organization. In my judgment, the size of the print and the choice of location represent a deliberate attempt to deceive the reader, and is certainly in violation of the requirement that the sponsoring organization be "clearly and conspicuously" identified.

I am writing as a private citizen and not on behalf of any political candidate or organization. Please advise if there is any additional information you desire.

Thank you for your attention to this matter.

Sincerely,


Leonard Greenberg

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

770400047

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Leonard Greenberg
1996 Willowood Court
Norton, Virginia 22090

NOV 9 1976

Re: MUR 339 (76)

Dear Mr. Greenberg:

This is to acknowledge receipt of your complaint of October 22, 1976, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William C. Oldaker
Assistant General Counsel

Enclosure

MBrown:pjg:11/5/76

cc: Chron file

MUR file

MB *mb*

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040047

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

6C

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

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

☐ Show to whom and date delivered..... 15¢

☒ Show to whom, date, & address of delivery..... 35¢

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

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

2. **ARTICLE ADDRESSED TO:**
1436 Yellowwood
Reston Va. 22090
Mr. Leonard Greenberg

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438156	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Paul Greenberg

4. **DATE OF DELIVERY**
11-13-76

5. **ADDRESS** (Complete only if requested)
1436 YELLOWWOOD CT.
RESTON VA 22090

6. **UNABLE TO DELIVER BECAUSE:**

NOV 13 1976

INITIAL

☆ GPO: 1976-O-559-408

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

LEONARD GREENBERG
1436 Yellowwood Court
Reston, Virginia 22090

CC # 917

October 22, 1976

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

Dear Sir:

I wish to register a formal complaint with respect to the enclosed advertisement which appeared in the Reston Times, Thursday, October 21.

My complaint is not with respect to the advertisement per se, but rather with the deceptively small print and inconspicuous location used to identify the sponsoring organization. In my judgment, the size of the print and the choice of location represent a deliberate attempt to deceive the reader, and is certainly in violation of the requirement that the sponsoring organization be "clearly and conspicuously" identified.

I am writing as a private citizen and not on behalf of any political candidate or organization. Please advise if there is any additional information you desire.

Thank you for your attention to this matter.

Sincerely,


Leonard Greenberg

 NOTARY

My Commission Expires May 22, 1979

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

LEONARD GREENBERG
1436 Yellowwood Court
Reston, Virginia 22090
(703) 437-7985

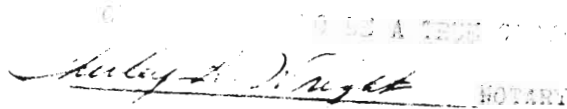
CC # 917 Re: Ce # 82
MUR 330
RECEIVED
FEDERAL ELECTION
COMMISSION

November 1, 1976
'76 NOV 2 AM 9:02

I, Leonard Greenberg, certify that the facts stated in the enclosed copy of my original letter to the Federal Election Commission, dated October 22, 1976, are indeed correct.


Leonard Greenberg

763351

TO BE A TRUE COPY

NOTARY

My Commission Expires May 31, 1978

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Leonard Greenberg
1436 Yellowwood Court
Reston, Virginia 22090



11:02 AM
NOV 1 1976

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

Attn: Ms. Lynn Oliphant

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040030479

Mr. Leonard Greenberg
1436 Yellowwood Court
Reston, VA 22090

Re: CC # 822

Dear Mr. Greenberg:

We have received your letter of October 22, 1976, inquiring into the possibility of a violation of the Federal Election Campaign Act of 1971, as amended, by The President Ford Committee.

The Federal Election Campaign Act, as amended, requires that all complaints be signed, sworn, and notarized by the person making the complaint. (See 2 U.S.C. §437g(a)(2).) Under §111.2 of the Commission's proposed regulations it is also required that a complaint contain: (1) The full name, address and telephone number of the complainant; (2) a clear and concise statement of the acts which are alleged to constitute a violation of the Federal Election Campaign Act of 1971; (3) copies of any evidence available to the complainant which sustain the allegations of the complaint. In the event you wish to file a complaint, please comply with these requirements.

Should you wish to file a complaint, please have your letter notarized and comply with the above requirements.

Please feel free to contact me if you have any further questions. The staff member assigned to this matter is Lynn Oliphant (tel. no. 202/382-1047).

Sincerely yours,

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY William C. Oldaker
OFFICE OF GENERAL COUNSEL Assistant General Counsel

LEONARD GREENBERG
1436 Yellowwood Court
Reston, Virginia 22090

CC #822
RECEIVED
FEDERAL ELECTION
COMMISSION

October 22, 1976 10:06 AM

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

763128

Dear Sir:

I wish to register a formal complaint with respect to the enclosed advertisement which appeared in the Reston Times, Thursday, October 21.

My complaint is not with respect to the advertisement per se, but rather with the deceptively small print and inconspicuous location used to identify the sponsoring organization. In my judgment, the size of the print and the choice of location represent a deliberate attempt to deceive the reader, and is certainly in violation of the requirement that the sponsoring organization be "clearly and conspicuously" identified.

I am writing as a private citizen and not on behalf of any political candidate or organization. Please advise if there is any additional information you desire.

Thank you for your attention to this matter.

Sincerely,

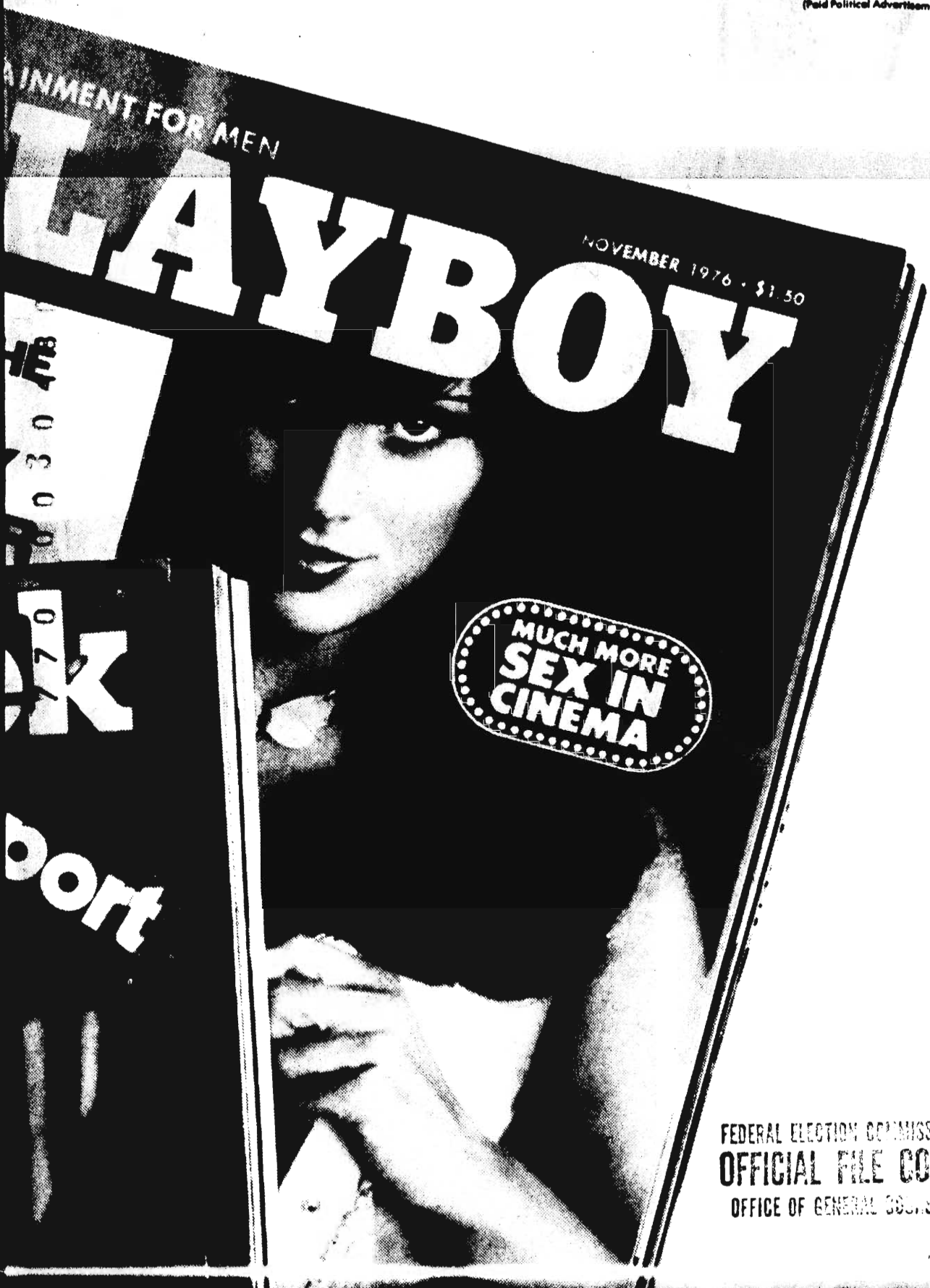

Leonard Greenberg

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

11112 330

(Advertisement)

(Paid Political Advertisement)



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

7 7 0 4 0 0 3 0 4 8 1

Edward Greenberg
Lowwood Court
VA 22090



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

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

50:01 MW 62 J09 92.

10/28/78

FEDERAL ELECTION COMMISSION

Memorandum from David R Spiegel to Jack G Murphy

on whether the recommendation to find reason to believe

should be made

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

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Michelle M. Brown

date 21 September 1977

FEC 9-21-77

DO NOT MICROFILM ATTACHED SHEET!!

FEDERAL ELECTION COMMISSION

Memorandum from Charles N Steele to Wm. Oldaker

on the question of §441d and whether the recommendation

to find reason to believe should be made

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

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed Michele D Brown

date 21 September 1977

FEC 9-21-77

DO NOT MICROFILM ATTACHED SHEET!!