



RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

OCT 28 10 12 AM '92

ZELL MILLER
Governor

ED SIMS
Chairman

SCOTTY GREENWOOD
Executive Director

October 27, 1992

MUR 3678

92 OCT 28 PM 3:40

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Commissioners:

We have reason to believe that Clyde Evans of 1823 Pine Forest Circle, Dublin, Georgia 31021 has violated the independent expenditure provisions of the Federal Election Campaign Act (hereinafter, "the Act") (1) by failing to report independent expenditures that he has made in an effort to defeat J. Roy Rowland, the Democratic nominee for Congress from the Eighth District of Georgia, (2) by failing to certify, under penalty of perjury, that his expenditures meet the standards of independence, (3) by failing to include the requisite public notice on paid political advertisements expressly advocating the defeat of Congressman Rowland, and (4) by expending funds on those advertisements which are ineligible for use under the Act.

This letter constitutes an official complaint, and we respectfully request that an investigation be conducted immediately.

In the last weeks before both the 1990 and 1992 general elections, Clyde Evans placed newspaper advertisements in newspapers of general circulation throughout the Eighth Congressional District of Georgia. Those advertisements constituted political attacks on J. Roy Rowland and, thus, advocated his defeat in the impending election. Each such advertisement indicated that it was paid for by Clyde Evans. The commercial value of those advertisements exceeds \$250 for each of 1990 and 1992. Photocopies of those advertisements are attached to this letter.

By virtue of having placed such advertisements, Evans has triggered the reporting requirements of 2 U.S.C. 434(c) and 11 C.F.R. 109.2. Evans has not filed signed statements or reports on Federal Election Commission Form 5 as required by those provisions of federal law for either the 1990 or 1992 advertisements and, thus, has violated those federal laws.

Evans has further violated 11 C.F.R. 109.2(a)(1)(v) which requires that every person who makes such independent expenditures file "a notarized certification under penalty of perjury as to whether such expenditure was made in cooperation, consultation or

concert with, or at the request or suggestion of, any candidate or any authorized committee or agent thereof."

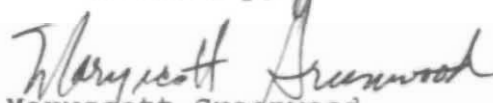
Evans has also broken federal laws by failing to include in his advertisements the non-authorization notice required by 2 U.S.C. 441d, 11 C.F.R. 109.3, and 11 C.F.R. 110.11. As you can see from the attached photocopies of his advertisements, Evans has not stated therein that these advertisements are "not authorized by any candidate or candidate's committee." 11 C.F.R. 110.11(a)(1)(iii).

Since Evans has failed to file the reports required by federal law, it is not possible to ascertain the precise source of the funds expended upon these advertisements. However, in light of the repeated flagrant violations of federal law enumerated above, we also request that you investigate whether funds ineligible for use in connection with federal elections, such as corporate funds of the Evans Cabinet Corporation, were expended to purchase these advertisements. If so, then Evans has violated the prohibition on use of corporate funds to influence federal elections.

Finally, to the best of our knowledge, Clyde Evans is the sole proprietor of Evans Cabinet Corporation, and Evans Cabinet Corporation is believed to be a federal government contractor. Since federal law prohibits individuals who are the sole proprietors of businesses with federal contracts from expending personal funds to influence federal elections, the expenditure of Clyde Evan's personal funds to place these advertisements may also constitute a violation of federal law. We request that you investigate this violation as well.

Clyde Evans clearly and flagrantly violated federal election law during the 1990 general election and is doing so again this year in connection with the 1992 general election. Absent prompt action by the Commission, there is every reason to believe that such illegal acts will continue through this election season and in future years. We therefore request your immediate attention to this complaint.

Sincerely,



Maryscott Greenwood
Executive Director

Democratic Party of Georgia

Sworn to and subscribed before me
this 27th day of October 1992.



Notary Public, DeKalb County, Georgia

My Commission expires: My Commission Expires April 13, 1996

94030972235

Albany Herald
10/22/92

RECEIVED
FEDERAL ELECTION COMMISSION
OCT 28 1992

Page 42
OCT 28 PM 3:40

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go. Consider the following which J. Roy voted FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 trillion
HJR 2939	Foreign Assistance Program Funding	\$14.6 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 706	1990 Budget Deficit Increase	\$99 billion
HR 3024	National Debt Limit Increase	\$70 billion
HR 2990	Funding Increase for Departments of Labor, Health and Education	\$87.7 billion
HR 3402	Foreign Aid to Poland and Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$78,500 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
HR 5260	Deficit Increase for 1993	\$327 billion
	Unemployment Benefits Extension	\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:

Bill	Item	Amount Saved
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely
Clyde Evans
A Concerned Citizen

Albany Herald
10/22/92

PRINTED BY CLYDE EVANS

and student aid program
1983-84 academic year
less than the amount
preceding year.

The findings were r

Chick

WASHINGTON
Alabama food processors
voluntarily recalling
pounds of its canned chicken
the Agriculture Department
Wednesday.

USDA said some of the
improperly processed
potential of causing
sickness.

The suspect chicken
distributed to Kroger
Atlanta area and to gro-
cery stores in the

FLORIDA
LOTTERY

CASH

034

Drawn Oct. 12

The Hollis Eye Institute

Is Proud To Announce

The Association Of

Gary M. Levin, M.D.

Dr. Levin specializes in Cataracts,
Glaucoma, Pediatric Ophthalmology

but heart trouble forced Garrison to leave the appeals court on Nov. 1, 1991, three weeks before his 70th birthday and mandatory retirement

when he testified on only drew because that indictment and prosecution was totally unfounded," said District Attorney Harry Connick,

who will be recognized as such ne." n Marra, author of the book *Fire: The Plot That Killed Ken-* said that "Anybody who is anything about this story re- auzes Jim Garrison was the only public official to try to bring legal action in the case of the assassination of President Kennedy."

An Open Letter to the Voters of the Eighth Congressional District

Dear Eight District Voter:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

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HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$76,500 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
	Deficit Increase for 1993	\$327 billion
HR 5260	Unemployment Benefits Extension	\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:

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The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely
Clyde Evans

A Concerned Citizen

PAID FOR BY CLYDE EVANS

Coffee County Enterprise

10/22/92

Page 6-A

94030972237

W
W
W
W
W
W

94030972238

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES

ROWLAND VOTES

	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 826)		X
Taxpayer funding of needles and syringes to drug addicts (S 1366)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/year	X	
Raise Taxes \$2000 over 8 years for Families Earning \$38,000 (HR 8436)	X	
Line Item Veto and Balanced Budget Amendment Requiring a 3/5 Majority vote of Each Chamber to Permit Deficit (HJR 290)		X
\$2.6 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 8373)	X	
\$19 Million Road Construction Boondoggle Never Requested by Pentagon for Camp McCain, Mississippi (HR 8428)	X	
\$16 Million Expenditure for Parking Garage in Newark, N.J. (HR 8486)	X	
Cut Non-Personnel Administrative Cost at each Agency by \$59 million (HR 8516)		X

Again this year, The National Taxpayers Union rated J. Rowland a "Big Spender" and a 16% Conservative voter.

Rowland was just awarded a \$346 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million.

Conservative Georgian . . . NO. Big Spender . . . YES!
PAID FOR BY CLYDE EVANS - A CONCERNED CITIZEN
OF DUBLIN, GA

92
- Macon Telegraph
10/22/92

ENOUGH IS ENOUGH !!!

J. Roy Rowland says he leads the effort to Balance the Budget...but Jim Wooten of the Atlanta Journal reports he is "A problem in Washington and the solution at home."

J.Roy Says

"He is a leader in efforts to enact a balanced budget amendment that can bring fiscal responsibility to Washington once and for all!"

J.Roy Does

- J. Roy voted himself a \$35,000.00 per year pay raise.
- J. Roy voted to increase the national debt limit to \$3.12 trillion.
- J. Roy voted for a budget with a \$99 billion deficit and to raise taxes by \$135 billion.

He has been officially classified as a "Big Spender" by the National Taxpayers Union.

Paid for by Clyde Evans - Dublin, Ga.

The Monticello News

10/25/90

Page 4

Tel fair Times 10/24/90
Page 10

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Paid for by Clyde Evans • Dublin, GA

94030972240

Macon Telegraph-News
10/25/90
Page 2-B

ENOUGH IS ENOUGH!!!

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He has been officially classified as a "Big Spender" by the National Taxpayers Union.

Paid for by Clyde Evans • Dublin, Ga

94030972241

Monroe County Recorder
10/24/98
Page 9

ENOUGH IS ENOUGH!!!

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Paid for by Clyde Evans • Dublin, Ga

9 4 0 3 0 9 7 2 2 4 2

Macon Telegraph
Page 6A

"DEFICIT SPENDING"

8th Distric Congressman J. Roy Rowland says that we need a Balanced Budget Amendment to the Consitution, to require Congress to vote for Fiscal Responsibility.

WE agree - but look how Rowland voted in the 101st Congress.

HR3660 - He voted for a congressional pay raise of \$35,000.00 per year plus retirement benefits that could amount to lifetime totals of more than \$800,000.00, if he completes another term in the House.

HR2883 - HE voted for a \$17.6 billion domestic food program including food stamps. *Agricultural Program food stamps will prevent children*

HR2634 - Subsidy of \$28.00 per ticket on all Amtrack passengers.

HR1278 - Voted for \$50 billion to close insolvent S & L's (Supposedly to be paid back over 30 years by the thrift industry), but this leaves, according to the general accounting office, another \$250 billion to be picked up by the taxpayers.

HR2494 - \$232 million for International Development Banks which makes long term, no interest loans (usually never repaid and the U.S. Taxpayer picks up the tab).

The list goes on and on. Rowland talks fiscal responsibility when he is in the 8th District and goes to Washington and votes the opposite.

94030972243



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 30, 1992

Democratic Party of Georgia
Maryscott Greenwood, Executive Director
1100 Spring Street, Suite 420
Atlanta, GA 30309

RE: MUR 3678

Dear Ms. Greenwood:

This letter acknowledges receipt on October 28, 1992, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by Clyde Evans and the Evans Cabinet Corporation. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3678. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, which appears to read "Jonathan A. Bernstein", is written over the typed name.

Jonathan A. Bernstein
Assistant General Counsel

Enclosure
Procedures

94030972244



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 30, 1992

Evans Cabinet Corporation
Clyde Evans
1823 Pine Forest Circle
Dublin, GA 31021

RE: MUR 3678

Dear Mr. Evans:

The Federal Election Commission received a complaint which indicates that the Evans Cabinet Corporation ("Corporation") and you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3678. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Corporation and you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

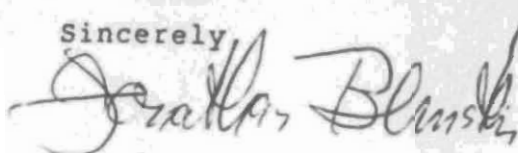
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

94030972245

Evans Cabinet Corporation
Clyde Evans
Page 2

If you have any questions, please contact Holly Baker, the staff member assigned to this matter, at (202) 219-3400. For your information, we have enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Jonathan A. Bernstein
Assistant General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

94030972246



DEMOCRATIC
PARTY OF
GEORGIA

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 18 9 16 AM '92

ZELL MILLER
Governor

ED SIMS
Chairman

SCOTTY GREENWOOD
Executive Director

November 16, 1992

Federal Election Commission
99 E Street, NW
Washington, D.C. 20463
Attn: General Counsel

RE: File # MUR3678

Dear Commissioners:

On October 27, 1992, we filed a complaint with the Commission against Clyde Evans of 1823 Pine Forest Circle, Dublin, Georgia 31021 alleging that Mr. Evans violated the independent expenditure provisions of the Federal Election Campaign Act (hereinafter, "the Act") (1) by failing to report independent expenditures that he has made in an effort to defeat J. Roy Rowland, the Democratic nominee for Congress from the Eighth District of Georgia, (2) by failing to certify, under penalty of perjury, that his expenditures meet the standards of independence, (3) by failing to include the requisite public notice on paid political advertisements expressly advocating the defeat of Congressman Rowland, and (4) by expending funds on those advertisements which are ineligible for use under the Act.

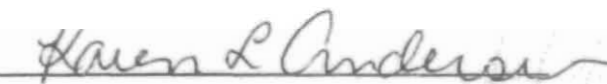
In the interim, Mr. Evans has publicly apologized for these actions. We feel that this apology is sufficient recompense for Mr. Evans' actions, and, therefore, this letter constitutes an official withdrawal of our complaint.

Please notify us should any further action be taken on our part.

Sincerely,


Maryscott Greenwood
Executive Director

Sworn to and subscribed before me this the 16th
day of November 1992.


Notary Public

My Commission expires: My Commission Expires April 13, 1996
Notary Public, DeKalb County, Georgia

Friday, November 13, 1992/THE COURIER HERALD/Dublin, Ga./Page 2a

To the People of the 8th Congressional District

In the heat of a political campaign, rumors fly and accusations abound, but once the dust settles, we all have to take stock and evaluate the positions and actions we have taken.

After a great deal of thought in these days just after the recent eighth district congressional race, I think I owe Congressman J. Roy Rowland an apology for any embarrassment I may have caused him or his family by the advertisements I ran during the campaign. This was certainly not my intention, as I have never had any feelings except respect for Congressman Rowland personally, and I have already conveyed this to him.

Now, I think it is in the best interest of everyone concerned and the community (eighth district) as a whole to offer Congressman Rowland our full support and get on with the business at hand of promoting better government as a united community.

Clyde Evans

Clyde Evans
Dublin, Georgia

94030972248



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 18, 1992

Maryscott Greenwood
Executive Director
Democratic Party of Georgia
1100 Spring St.
Suite 420
Atlanta, GA 30309

RE: MUR 3678

Dear Ms. Greenwood:

This is in reference to your letter dated November 16, 1992, requesting that the complaint you filed against Clyde Evans be withdrawn.

Under 2 U.S.C. § 437g, the Federal Election Commission is empowered to review a complaint properly filed with it and to take action which it deems appropriate under the Federal Election Campaign Act of 1971, as amended ("the Act"). A request for withdrawal of a complaint will not prevent the Commission from taking appropriate action under the Act. Your request will become part of the public record within 30 days after the entire file is closed.

If you have any further questions about this procedure, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, reading "Holly Baker", is written over a horizontal line.

Holly Baker
Attorney

94030972249

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FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 23 12 33 PM '92

November 18, 1992

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Holly Baker

Re: MUR 3678
Clyde Evans
1823 Pine Forest Circle
Dublin, GA 31021

Dear Ms. Baker:

In response to the complaint filed by the Democratic Party of Georgia against Clyde Evans, 1823 Pine Forest Circle, Dublin, GA 31021, I hope I have not violated the independent expenditure provisions of the Federal Election Campaign Act (hereinafter, "the Act").

1. I did not intentionally fail to report the expenditures for the advertisements placed by me. I paid for the ads personally as an individual. I basically ran all ads to make the people aware of what the candidates views were for the Eighth District.

If I was suppose to file Form 5, I apologize because I was not aware of the filing status.

2. I hope I did not violate 11 C.F.R. 109.2 (a)(1)(v) concerning "a notarized certification under penalty of perjury as to whether expenditures was made in cooperation or at the request of any candidate or any authorized committee because there was no request by anyone. I merely ran the advertisements to make the people aware of the candidates status and views for the people in the Eighth District.
3. In my advertisements, they did not include the non-authorization notice required by 2 U.S.C. 441d, 11 C.F.R. 109.3, and 11 C.F.R. 110.11. I did not state that these advertisements are "not authorized by any candidate or candidate's committee because they were not authorized by anyone. I placed all ads as an individual.

They were run and paid for by Clyde Evans.

94030972250

92 NOV 23 PM 3:06

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE

4. All ads were paid for by personal money of Clyde Evans.

Evans Cabinet Corporation did not pay for any advertisements. Evans Cabinet Corporation did not expend any corporate funds to purchase the advertisements.

I am enclosing copies of two personal checks where I paid for advertisements in the 1990 election.

I am also enclosing copies of eight personal checks where I paid for advertisements in the 1992 election.

Evans Cabinet Corporation is incorporated in the State of Georgia and Clyde Evans is an employee and shareholder of Evans Cabinet Corporation.

Since Clyde Evans is not the sole proprietor of Evans Cabinet Corporation, I sincerely hope I did not violate any federal laws by expending personal funds. It was not my intentions to influence any federal election.

As per the above stated facts, I respectfully hope that you will not find me in violation of any complaints filed by the Democratic Party of Georgia.

If you need additional information, please contact me at 912-272-2530.

Yours truly,

Clyde Evans
Clyde Evans

Enclosures

Sworn to and subscribed before me
this 18th day of November 1992.

Betty H. Pitts

Notary Public

Notary Public - State of Georgia
My Commission Expires

My commission expires: _____

94030972251

94030972252

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0545

64-593
612

PAID

oct 18 19 90

PAY TO THE ORDER OF Georgia Press Association \$ 4,215²⁰

Four Thousand 23 Hundred 20 20 DOLLARS

B BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31021

B BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31021

FOR [Signature] 61205938 61205938 Clyde Evans

02:01:23 11:3:00

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0547

64-593
612

PAID

oct 22 19 90

PAY TO THE ORDER OF Georgia Press Association \$ 753²⁹

Seven Hundred Fifty Three + 29 100 DOLLARS

B BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31021

B BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31021

FOR DOL PAID Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0702

64-593
612

PAY TO THE
ORDER OF

Lipton Gazette \$ *338.50*
Three hundred thirty eight & 50/100 DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

31200003

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0703

64-593
612

PAY TO THE
ORDER OF

Douglas Enterprise \$ *240.00*
Two hundred forty & 00/100 DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

31200003

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0704

64-593
612

PAY TO THE
ORDER OF

Warner Robins Daily Sun \$ *415.38*
Four hundred fifteen & 38/100 DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

DUDLEY, GEORGIA

FOR

31200003

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0705

64-593
612

PAY TO THE
ORDER OF

Fitzgerald Herald Leader \$ *53.95*
Fifty three & 95/100 DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

31200003

Clyde Evans

94030972253

94030972254

CLYDE EVANS
SP. ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0706

64-593
612

Oct 20, 92

PAY TO THE ORDER OF *Cardele Dispatch* \$ *383.86*

Three hundred eighty three & 86/100 - DOLLARS

BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

FOR *Clyde Evans*

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0707

64-593
612

Oct 20, 92

PAY TO THE ORDER OF *Eastman - Dodge County News* \$ *81.25*

Eighty one & 25/100 - DOLLARS

BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

FOR *Clyde Evans*

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0708

64-593
612

Oct 20, 92

PAY TO THE ORDER OF *Macon Telegraph & News* \$ *2,863.51*

Two thousand eight hundred sixty three & 51/100 - DOLLARS

BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

FOR *Clyde Evans*

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0709

64-593
612

Oct 20, 92

PAY TO THE ORDER OF *Albany Herald* \$ *968.00*

Nine hundred sixty eight & 00/100 - DOLLARS

BANK OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

FOR *Clyde Evans*

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIN COPY ROOM

Nov 23 10 14 AM '92

November 19, 1992

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Holly Baker

Re: MUR 3678
Clyde Evans
1823 Pine Forest Circle
Dublin, GA 31021

Dear Ms. Baker:

Please find enclosed a Statement of Designation of Counsel. Please file this in the proper place in my file MUR 3678 and send any notifications and other communications from the Commission to them.

If you should have any questions, please do not hesitate to call me.

Yours truly,

Clyde Evans
Clyde Evans

Enclosures

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COMMISSION

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3678

NAME OF COUNSEL: Ernest Jones and Associates, Ernest F. Jones, Jr.

ADDRESS: 1810 Bellevue Road

P.O. Box 927

Dublin, GA 31040

TELEPHONE: (912) 272-6532

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on my behalf
before the Commission.

11-17-92

Date

Clyde Evans
Signature

RESPONDENT'S NAME: Clyde Evans

ADDRESS: 1823 Pine Forest Circle

Dublin, GA 31021

TELEPHONE: HOME (912) 272-0798

BUSINESS (912) 272-2530

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FEDERAL ELECTION COMMISSION

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F.E.C.
SECRETARIAT

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

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SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR # 3678
DATE COMPLAINT RECEIVED
BY OGC October 28, 1992
DATE OF NOTIFICATION TO
RESPONDENT October 30, 1992
STAFF MEMBER Holly Baker

COMPLAINANT: Maryscott Greenwood, Executive Director,
Democratic Party of Georgia

RESPONDENTS: Clyde Evans
Evans Cabinet Corporation

RELEVANT STATUTES: 2 U.S.C. § 431(11)
2 U.S.C. § 431(17)
2 U.S.C. § 434(c)
2 U.S.C. § 441b
2 U.S.C. § 441c(a)
2 U.S.C. § 441d(a)

INTERNAL REPORTS CHECKED: FEC indices and public records

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint from Maryscott Greenwood, Executive Director, Democratic Party of Georgia, filed on October 28, 1992, against Clyde Evans and Evans Cabinet Corporation ("Corporation"). The complaint concerns negative newspaper advertisements about Congressman J. Roy Rowland, in both the 1990 and 1992 general elections, listed as paid for by Clyde Evans. Complainant notified the Federal Election Commission ("Commission") on November 18, 1992 that she wished to withdraw her complaint, and this Office

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responded on that date to her request. (Attachment 1). Mr. Evans filed a response to the complaint on November 23, 1992. (Attachment 2). In both 1990 and 1992, Mr. Rowland defeated Robert Cunningham. In 1990, Mr. Rowland garnered 69% of the vote to Mr. Cunningham's 31%, and in 1992, Mr. Rowland won with 56% to 44% of the vote.

II. FACTUAL AND LEGAL ANALYSIS

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act") defines "independent expenditure" as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or candidate's authorized committee and which is not made in concert with, or at the request or suggestion of, any candidate or authorized committee. 2 U.S.C. § 431(17). The Act provides that every person who makes independent expenditures of more than \$250 during a calendar year must file a statement with the Commission, including a certification indicating whether the independent expenditure is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or political committee. 2 U.S.C. § 434(c). Moreover, the Act provides that any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election must be reported within 24 hours after the expenditure is made. Id. When a person independently

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finances a communication expressly advocating the defeat of a clearly identified candidate through a general circulation newspaper, the person must include on the ad a disclaimer clearly stating the name of the person who paid for the communication and stating that the communication is "not authorized by any candidate or candidate's committee." See 2 U.S.C. § 441d(a). Under the Act, the term "person" includes a corporation as well as an individual. 2 U.S.C. § 431(11).

Under § 441b of the Act, a corporation is explicitly prohibited from making any contribution or expenditure in connection with a federal election, and it is unlawful for any person knowingly to accept or receive any contribution prohibited by 2 U.S.C. § 441b. The Act also declares it unlawful for any officer or any director of any corporation to consent to any contribution or expenditure by the corporation which is prohibited under 2 U.S.C. § 441b.

Any person who enters into a contract with the federal government is prohibited from making, directly or indirectly, any contribution for any political purpose. 2 U.S.C. § 441c(a).

B. Allegations

Complainant alleges that Mr. Evans and Evans Cabinet Corporation violated various provisions of the Act by running negative political advertisements in local newspapers against Congressman J. Roy Rowland in both 1990 and 1992.

Specifically, Complainant alleges that Clyde Evans failed to

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report independent expenditures to the Commission, failed to file the required certification that his expenditures were independent, and failed to include the non-authorization disclaimer on the ads. Complainant further alleges that Mr. Evans is the sole-proprietor of Evans Cabinet Corporation, that the Corporation may be a federal government contractor, and that Mr. Evans, as sole-proprietor, in using his personal funds to pay for the ads may be violating the Act.

C. Response

In his response, Mr. Evans states that he ran the ads as an individual and paid for them out of his personal funds for the purpose of making "people aware of the candidates [sic] status and views for the people in the Eighth District." He states that he "did not intentionally fail to report the expenditures" Rather, he says that he was "not aware" he had to report his expenditures to the Commission, and he apologizes for not filing reports including the required certification. He admits that his advertisements did not contain the non-authorization disclaimer, and he gives as his reason the fact that the ads "were not authorized by anyone." He further explains, "I placed all ads as an individual."

In his response, Mr. Evans denies that he is the sole-proprietor of Evans Cabinet Corporation. Rather, he states that he is an employee and stockholder of Evans Cabinet Corporation, which is a Georgia corporation; that he paid for

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the ads from a personal account; and that the Corporation did not expend any corporate funds. Mr. Evans supplied canceled checks, two relating to 1990 and eight relating to 1992. (Attachment 2). All of the checks are drawn on the same account with payor information listed as: Clyde Evans, Special Account, 1321 N. Franklin St., Dublin, GA 31021.

D. Discussion

1. Express Advocacy

Mr. Evans claims that his purpose in placing the ads was to inform the people of the 8th congressional district about Mr. Rowland's views, and hence, the ads are not regulable under the Act. Analysis of the ads submitted with the complaint, however, yields the alternative conclusion that the ads do constitute express advocacy and fall within the scope of the Act.

Complainant submitted copies of four ads placed in local newspapers on either October 24 or October 25, 1990, approximately one week before the 1990 general election. Although differing slightly from one another in typeset and format, all the 1990 ads at hand convey the same message. They all bear the headline "Enough Is Enough!" and explicitly mention J. Roy Rowland. The body of the ad has two columns labeled "J. Roy Says" and "J. Roy Does." The ad contrasts Mr. Rowland's statements supporting a balanced budget with his voting for a congressional pay raise, an increase in the national debt limit, and a budget that contained deficit spending and tax increases.

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Complainant also submitted three ads for 1992, all running on October 22, 1992, approximately a week before the general election. The ads that appeared in the Albany Herald and Coffee County Enterprise are essentially the same except that the latter is styled as, and entitled, "An Open Letter to the Voters of the Eighth Congressional District." The introductory text reads as follows:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go.

The ad then cites examples of Mr. Rowland's voting record, contrasting the costly bills Mr. Rowland voted for with only one he voted against. Then the ad concludes: "The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record."

The third 1992 ad adopts a different format from the two ads described above, but like the other two, it attacks Mr. Rowland's voting record. Under the headline "How Does Your Congressman Vote? Big Spender or Conservative

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Georgian?", the ad shows Mr. Rowland voting for, e.g., "taxpayer funding of needles and syringes to drug addicts" and against a line item veto and balanced budget. The ad goes on to say: "Rowland was just awarded a \$345 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million." The ad concludes: "Conservative Georgian . . . NO. Big Spender . . . YES!"

The Complainant also included an undated ad that appears to be from 1990 by virtue of its reference to Mr. Rowland's voting record in the 101st Congress. This ad entitled "'DEFICIT SPENDING'" presents Mr. Rowland as favoring a balanced budget amendment and fiscal responsibility in the Congress, and then criticizes Mr. Rowland's voting record. The ad concludes: "The list goes on and on. Rowland talks fiscal responsibility when he is in the 8th District and goes to Washington and votes the opposite." Unlike all the other ads submitted with the complaint, this one does not include Mr. Evans as the source of the funds; however, the Complainant's copying process seems to have cut off the bottom of the original ad.

There may be other ads in addition to those noted above that Mr. Evans paid for in 1990 and 1992. Mr. Evans enclosed copies of eight checks from 1992, each made out to a separate newspaper. Only one check corresponds to a copy of an ad Complainant submitted, the one to the Albany Herald. It is impossible to determine from the information submitted how many ads of what types appeared in which newspapers.

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Consideration of content and context of the ads submitted with the complaint leads to the conclusion that the ads from both 1990 and 1992 fall within the express advocacy standard established by the Commission and the courts and hence are regulable under the Act. See 2 U.S.C. § 441d; Buckley v. Valeo, 424 U.S. 1, 80 (1976); Federal Election Com'n v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987), cert. denied, 484 U.S. 850 (1987); Advisory Opinion 1992-23.

The express advocacy standard was established by the Supreme Court in Buckley v. Valeo, 424 U.S. 1, 80 (1976). There, the Court held that only communications that included explicit words of advocacy of election or defeat of a clearly identified candidate would be subject to the Act's expenditure rules. Buckley, 424 U.S. at 43. The Court gave as examples of express advocacy: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Id. at 44, n. 52. The Court developed the standard to permit the discussion of public issues that also were campaign issues. Id. at 42.

Subsequent court decisions have retained the distinction between issue discussion and electoral advocacy established by Buckley, but they also have held that the scope of express advocacy is not limited to the catch phrases given as examples in Buckley. See Federal Election Com'n v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986); Federal Election Com'n v. Furgatch, 807 F.2d 857, 862-864 (9th Cir.), cert. denied, 484 U.S. 850 (1987)(negative ad

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about Jimmy Carter placed three days before the general election, saying "Don't let him do it," expressly advocates the defeat of Jimmy Carter).

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The Furgatch court noted that limiting a finding of express advocacy to the "magic words" or "their nearly perfect synonyms" would "preserve the First Amendment right of unfettered expression only at the expense of eviscerating" the Act. Furgatch, 807 F.2d at 863. Independent campaign spenders "could remain just beyond the reach of the Act by avoiding certain key words while conveying a message that is unmistakably directed to the election or defeat of a named candidate." Id. The court concluded that speech will be express advocacy under the Act when "read as a whole, and with limited reference to external events," it is "susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." Id. at 864. In Advisory Opinion 1992-23, the Commission, applying Furgatch, found that ads satirizing the voting record of Congressman Beryl Anthony of Arkansas and run in close proximity to the date of the election were express advocacy for purposes of the Act based on their content and timing. 2 Fed. Election Camp. Fin. Guide (CCH), ¶ 6064 at pp. 11,822-23 (Aug. 10, 1992).

In this case, Mr. Evans' ads sharply attack Mr. Rowland's voting record and characterize Mr. Rowland negatively as a "big spender." The 1990 ads bear the headline, "Enough Is Enough!," and the 1992 ads conclude that

in a "tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go." The ads ran approximately one week before the general elections in both 1990 and 1992. Although Mr. Evans' ads refer to a variety of issues of public concern (e.g., Congressional Post Office scandal; check bouncing scandal; congressional pay raises; national debt), the ads' content and timing preclude a finding that the ads constitute only issue discussion. See, MCFL, 479 U.S. at 249; Advisory Opinion 1992-23. Rather, the ads appear to fit squarely within the parameters for express advocacy established by the courts and the Commission.

One ad entitled "'DEFICIT SPENDING'" is undated. Its content is substantially similar to the 1990 and 1992 ads. If it appeared shortly before the election as did the other ads, then based on content and timing, it, too, could fall within the category of express advocacy regulable under the Act.

The ads also appear to be independent expenditures of Clyde Evans. The complaint makes no allegation that Mr. Evans acted in cooperation with any candidate or political committee, though it does allege that Mr. Evans did not file the required certification establishing independence. Mr. Evans claims that he paid for the ads as an individual and that they "were not authorized by anyone." Mr. Evans did contribute \$800 to Mr. Rowland's opponent, Robert Cunningham, in 1990 and \$1,000 in 1992. However, there is no evidence at hand to conclude that Mr. Evans acted other than independently.

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Thus, based on the complaint and the information on hand, the ads here at issue qualify as independent expenditures regulable under the Act. As independent expenditures, the ads are subject to both the reporting and disclaimer provisions of the Act.

2. Reporting

As an independent campaign spender, Mr. Evans is required by the Act to file specified reports with the Commission, and Mr. Evans admits that he did not file any of the required reports. Although he claims ignorance of the law and apologizes for his failure, the fact remains that he did not report expenditures whose disclosure were consequently withheld from the public before the general elections in 1990 and 1992. The canceled checks indicate that Mr. Evans made two expenditures aggregating \$4,968.29 after the twentieth day before the election in 1990 (10-18-90: \$4,215.20; 10-22-90: \$753.09). His canceled checks for 10-20-92 reveal eight expenditures for a total of \$5,321.25 after the twentieth day before the 1992 general election. On the basis of these facts, this Office recommends that the Commission find reason to believe that Mr. Evans violated the reporting and certification provisions of the Act.

3. Disclaimer

Mr. Evans also admits that he did not include the non-authorization disclaimer. Copies of the ads submitted with the complaint clearly indicate the lack of the

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disclaimer, although the ads do conspicuously state that they were "paid for by Clyde Evans" (and variants: "paid for by Clyde Evans - a concerned citizen of Dublin, GA"; "paid for by Clyde Evans - Dublin, GA"). Even though Mr. Evans revealed the source of payment for the ads and seems to have a genuine confusion of what the disclaimer provision requires, he nonetheless has not complied with the disclaimer provision of the Act. This Office, therefore, recommends that the Commission find reason to believe that Mr. Evans violated the disclaimer provision of the Act.

4. Evans Cabinet Corporation

Mr. Evans' response also clarifies the legal classification of the Evans Cabinet Corporation. The Corporation is a corporation and not a sole-proprietorship as the Complainant asserts. Thus, the Complainant's allegation that Mr. Evans violated the Act as the sole-proprietor lacks merit.¹

However, the canceled checks for the ads that Mr. Evans supplied bear the address of Evans Cabinet Corporation though not the corporate name. Mr. Evans claims he paid for the ads from personal funds, but the corporation's address printed under "Clyde Evans, Special Account" raises a question of whether the checks were drawn on Mr. Evans' personal account

1. This Office recommends making no finding at this time regarding whether Evans Cabinet Corporation may have violated the Act as a government contractor under 2 U.S.C. § 441c because there is no evidence at hand except the unsubstantiated allegation in the complaint that Evans Cabinet Corporation is a government contractor.

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or on an account of Evans Cabinet Corporation. Mr. Evans is the Chief Executive Officer of Evans Cabinet Corporation, and Lousue Evans, the only other officer, is Chief Financial Officer and Secretary. (Georgia Corporations Division). Mr. Evans indicated in a phone conversation on January 12, 1993 that the corporate account has a different account number and is drawn on a different bank than the "special account" used to pay for the ads, and he provided a copy of two blank corporate checks bearing that information. (Attachment 3). The information Mr. Evans has provided, however, does not resolve the issue of the source of funds for the ads and so a limited investigation of the bank account is necessary.

5. Conclusion

This Office recommends that the Commission find reason to believe that Mr. Evans violated the Act's reporting and disclaimer provisions. Mr. Evans has engaged in advertising activities over two election cycles, without following the requirements of the Act. As a consequence, in both 1990 and 1992, the public's right to know the sources of funding of the ads against Mr. Rowland was thwarted by Mr. Evans' failure to file the required certification, reports, and disclaimers.

This Office also recommends that the Commission find reason to believe that Evans Cabinet Corporation violated 2 U.S.C. § 441b, and Clyde Evans violated 2 U.S.C. § 441b by consenting to any such corporate contribution.

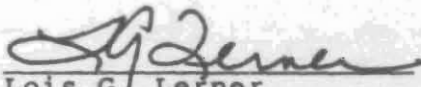
III. RECOMMENDATIONS

1. Find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a).
2. Find reason to believe that Evans Cabinet Corporation and Clyde Evans violated 2 U.S.C. § 441b.
3. Approve the appropriate letters and attached Factual and Legal Analysis.

Lawrence M. Noble
General Counsel

2/19/93
Date

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Complainant's request to withdraw complaint and Office of General Counsel's response
2. Response of Clyde Evans
3. Evans Cabinet Corporation blank checks
4. Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

MEMORANDUM

TO: LAWRENCE NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / DONNA ROACH *DR*
COMMISSION SECRETARY

DATE: FEBRUARY 25, 1993

SUBJECT: MUR 3678 - FIRST GENERAL COUNSEL'S REPORT
DATED FEBRUARY 19, 1993.

The above-captioned document was circulated to the
Commission on MONDAY, FEBRUARY 22, 1993 at 4:00.

Objection(s) have been received from the
Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u> </u>

This matter will be placed on the meeting agenda
for TUESDAY, MARCH 2, 1993.

Please notify us who will represent your Division before
the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3678
Clyde Evans;)
Evans Cabinet Corporation.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on March 9, 1993, do hereby certify that the Commission took the following actions with respect to MUR 3678:

1. Decided by a vote of 4-2 to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) with respect to the ad which appeared in the Albany Herald on October 22, 1992.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

2. Decided by a vote of 4-2 to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) with respect to the ad which appeared in the Coffee County Enterprise on October 22, 1992.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

(continued)

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3. Failed in a vote of 3-3 to pass a motion to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) with respect to the ad placed in the Macon Telegraph on October 22, 1992.

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion; Commissioners Aikens, Elliott, and Potter dissented.

4. Decided by a vote of 6-0 to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) with respect to the four ads headed, "Enough is Enough !!!".

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision.

5. Failed in a vote of 3-3 to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) with respect to the ad headed, "Deficit Spending".

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion; Commissioners Aikens, Elliott, and Potter dissented.

(continued)

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6. Decided by a vote of 4-2 to find reason to believe that Evans Cabinet Corporation and Clyde Evans violated 2 U.S.C. § 441b.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

7. Decided by a vote of 6-0 to direct the Office of General Counsel to send the appropriate letters and the appropriate Factual and Legal Analysis pursuant to the actions noted above.

Commissioners Aikens, Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision.

Attest:

3-9-93
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 18, 1993

Ernest F. Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
P.O. Box 927
Dublin, GA 31040

RE: MUR 3678
Clyde Evans
Evans Cabinet Corp.

Dear Mr. Jones:

On October 30, 1992, the Federal Election Commission notified your clients, Clyde Evans and Evans Cabinet Corp., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your clients, the Commission, on March 9, 1993, found that there is reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a), and Clyde Evans and Evans Cabinet Corp. violated 2 U.S.C. § 441b, provisions of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 30 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the

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Ernest F. Jones, Jr.
Page 2

Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Holly Baker, the attorney assigned to this matter, at (202) 219-3400.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Questions
Factual & Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Clyde Evans
Evans Cabinet Corporation

MUR: 3678

This matter was generated by a complaint from Maryscott Greenwood, Executive Director, Democratic Party of Georgia, filed on October 28, 1992, against Clyde Evans and Evans Cabinet Corporation ("Corporation"). The complaint concerns negative newspaper advertisements about Congressman J. Roy Rowland, in both the 1990 and 1992 general elections, listed as paid for by Clyde Evans. In both 1990 and 1992, Mr. Rowland defeated Robert Cunningham. In 1990, Mr. Rowland garnered 69% of the vote to Mr. Cunningham's 31%, and in 1992, Mr. Rowland won with 56% to 44% of the vote.

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act") defines "independent expenditure" as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or candidate's authorized committee and which is not made in concert with, or at the request or suggestion of, any candidate or authorized committee. 2 U.S.C. § 431(17). The Act provides that every person who makes independent expenditures of more than \$250 during a calendar year must file a statement with the Commission, including a certification indicating whether the independent expenditure

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is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or political committee. 2 U.S.C. § 434(c). Moreover, the Act provides that any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election must be reported within 24 hours after the expenditure is made. Id. When a person independently finances a communication expressly advocating the defeat of a clearly identified candidate through a general circulation newspaper, the person must include on the ad a disclaimer clearly stating the name of the person who paid for the communication and stating that the communication is "not authorized by any candidate or candidate's committee." See 2 U.S.C. § 441d(a). Under the Act, the term "person" includes a corporation as well as an individual. 2 U.S.C. § 431(11).

Under § 441b of the Act, a corporation is explicitly prohibited from making any contribution or expenditure in connection with a federal election, and it is unlawful for any person knowingly to accept or receive any contribution prohibited by 2 U.S.C. § 441b. The Act also declares it unlawful for any officer or any director of any corporation to consent to any contribution or expenditure by the corporation which is prohibited under 2 U.S.C. § 441b. Any person who enters into a contract with the federal

government is prohibited from making, directly or indirectly, any contribution for any political purpose. 2 U.S.C. § 441c(a).

B. Allegations

Complainant alleges that Mr. Evans and Evans Cabinet Corporation violated various provisions of the Act by running negative political advertisements in local newspapers against Congressman J. Roy Rowland in both 1990 and 1992. Specifically, Complainant alleges that Clyde Evans failed to report independent expenditures to the Commission, failed to file the required certification that his expenditures were independent, and failed to include the non-authorization disclaimer on the ads. Complainant further alleges that Mr. Evans is the sole-proprietor of Evans Cabinet Corporation, that the Corporation may be a federal government contractor, and that Mr. Evans, as sole-proprietor, in using his personal funds to pay for the ads may be violating the Act.

C. Response

In his response, Mr. Evans states that he ran the ads as an individual and paid for them out of his personal funds for the purpose of making "people aware of the candidates [sic] status and views for the people in the Eighth District." He states that he "did not intentionally fail to report the expenditures" Rather, he says that he was "not aware" he had to report his expenditures to the Commission, and he apologizes for not filing reports

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including the required certification. He admits that his advertisements did not contain the non-authorization disclaimer, and he gives as his reason the fact that the ads "were not authorized by anyone." He further explains, "I placed all ads as an individual."

In his response, Mr. Evans denies that he is the sole-proprietor of Evans Cabinet Corporation. Rather, he states that he is an employee and stockholder of Evans Cabinet Corporation, which is a Georgia corporation; that he paid for the ads from a personal account; and that the Corporation did not expend any corporate funds. Mr. Evans supplied canceled checks, two relating to 1990 and eight relating to 1992. All of the checks are drawn on the same account with payor information listed as: Clyde Evans, Special Account, 1321 N. Franklin St., Dublin, GA 31021.

D. Discussion

1. Express Advocacy

Mr. Evans claims that his purpose in placing the ads was to inform the people of the 8th congressional district about Mr. Rowland's views, and hence, the ads are not regulable under the Act. Analysis of the ads submitted with the complaint, however, yields the alternative conclusion that the ads do constitute express advocacy and fall within the scope of the Act.¹

1. The Commission was unable to agree on whether the 1992 ad entitled "How Does Your Congressman Vote?" and the 1990 ad entitled "Deficit Spending" required disclaimers under the Act.

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Complainant submitted copies of four ads placed in local newspapers on either October 24 or October 25, 1990, approximately one week before the 1990 general election. Although differing slightly from one another in typeset and format, all the 1990 ads at hand convey the same message. They all bear the headline "Enough Is Enough!" and explicitly mention J. Roy Rowland. The body of the ad has two columns labeled "J. Roy Says" and "J. Roy Does." The ad contrasts Mr. Rowland's statements supporting a balanced budget with his voting for a congressional pay raise, an increase in the national debt limit, and a budget that contained deficit spending and tax increases.

Complainant also submitted ads for 1992, all running on October 22, 1992, approximately a week before the general election. The ads that appeared in the Albany Herald and Coffee County Enterprise are essentially the same except that the latter is styled as, and entitled, "An Open Letter to the Voters of the Eighth Congressional District." The introductory text reads as follows:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go.

The ad then cites examples of Mr. Rowland's voting record, contrasting the costly bills Mr. Rowland voted for with only one he voted against. Then the ad concludes: "The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record."

There may be other ads, in addition to those brought to the Commission's attention, that Mr. Evans paid for in 1990 and 1992. Mr. Evans enclosed copies of eight checks from 1992, each made out to a separate newspaper. It is impossible to determine from the information submitted how many ads of what types appeared in which newspapers.

Consideration of content and context of the ads submitted with the complaint leads to the conclusion that the ads from both 1990 and 1992 fall within the express advocacy standard established by the Commission and the courts and hence are regulable under the Act. See 2 U.S.C. § 441d; Buckley v. Valeo, 424 U.S. 1, 80 (1976); Federal Election Com'n v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987), cert. denied, 484 U.S. 850 (1987); Advisory Opinion 1992-23.

The express advocacy standard was established by the Supreme Court in Buckley v. Valeo, 424 U.S. 1, 80 (1976). There, the Court held that only communications that included explicit words of advocacy of election or defeat of a clearly identified candidate would be subject to the Act's

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expenditure rules. Buckley, 424 U.S. at 43. The Court gave as examples of express advocacy: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Id. at 44, n. 52. The Court developed the standard to permit the discussion of public issues that also were campaign issues. Id. at 42.

Subsequent court decisions have retained the distinction between issue discussion and electoral advocacy established by Buckley, but they also have held that the scope of express advocacy is not limited to the catch phrases given as examples in Buckley. See Federal Election Com'n v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986); Federal Election Com'n v. Furgatch, 807 F.2d 857, 862-864 (9th Cir.), cert. denied, 484 U.S. 850 (1987) (negative ad about Jimmy Carter placed three days before the general election, saying "Don't let him do it," expressly advocates the defeat of Jimmy Carter).

The Furgatch court noted that limiting a finding of express advocacy to the "magic words" or "their nearly perfect synonyms" would "preserve the First Amendment right of unfettered expression only at the expense of eviscerating" the Act. Furgatch, 807 F.2d at 863. Independent campaign spenders "could remain just beyond the reach of the Act by avoiding certain key words while conveying a message that is unmistakably directed to the election or defeat of a named candidate." Id. The court concluded that speech will be express advocacy under the Act when "read as a whole, and

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with limited reference to external events," it is "susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." Id. at 864. In Advisory Opinion 1992-23, the Commission, applying Furgatch, found that ads satirizing the voting record of Congressman Beryl Anthony of Arkansas and run in close proximity to the date of the election were express advocacy for purposes of the Act based on their content and timing. 2 Fed. Election Camp. Fin. Guide (CCH), ¶ 6064 at pp. 11,822-23 (Aug. 10, 1992).

In this case, Mr. Evans' ads sharply attack Mr. Rowland's voting record and characterize Mr. Rowland negatively as a "big spender." The 1990 ads bear the headline, "Enough Is Enough!," and the 1992 ads conclude that in a "tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go." The ads ran approximately one week before the general elections in both 1990 and 1992. Although Mr. Evans' ads refer to a variety of issues of public concern (e.g., Congressional Post Office scandal; check bouncing scandal; congressional pay raises; national debt), the ads' content and timing preclude a finding that the ads constitute only issue discussion. See, MCFL, 479 U.S. at 249; Advisory Opinion 1992-23. Rather, the ads appear to fit squarely within the parameters for express advocacy established by the courts and the Commission.

The ads also appear to be independent expenditures of Clyde Evans. The complaint makes no allegation that

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Mr. Evans acted in cooperation with any candidate or political committee, though it does allege that Mr. Evans did not file the required certification establishing independence. Mr. Evans claims that he paid for the ads as an individual and that they "were not authorized by anyone." Mr. Evans did contribute \$800 to Mr. Rowland's opponent, Robert Cunningham, in 1990 and \$1,000 in 1992. However, there is no evidence at hand to conclude that Mr. Evans acted other than independently.

Thus, based on the complaint and the information on hand, the ads here at issue qualify as independent expenditures regulable under the Act. As independent expenditures, the ads are subject to both the reporting and disclaimer provisions of the Act.

2. Reporting

As an independent campaign spender, Mr. Evans is required by the Act to file specified reports with the Commission, and Mr. Evans admits that he did not file any of the required reports. Although he claims ignorance of the law and apologizes for his failure, the fact remains that he did not report expenditures whose disclosure were consequently withheld from the public before the general elections in 1990 and 1992. The canceled checks indicate that Mr. Evans made two expenditures aggregating \$4,968.29 after the twentieth day before the election in 1990 (10-18-90: \$4,215.20; 10-22-90: \$753.09). His canceled checks for 10-20-92 reveal eight expenditures for a total of

94030972285

\$5,321.25 after the twentieth day before the 1992 general election.

3. Disclaimer

Mr. Evans also admits that he did not include the non-authorization disclaimer. Copies of the ads submitted with the complaint clearly indicate the lack of the disclaimer, although the ads do conspicuously state that they were "paid for by Clyde Evans" (and variants: "paid for by Clyde Evans - a concerned citizen of Dublin, GA"; "paid for by Clyde Evans - Dublin, GA"). Even though Mr. Evans revealed the source of payment for the ads and seems to have a genuine confusion of what the disclaimer provision requires, he nonetheless has not complied with the disclaimer provision of the Act.

4. Evans Cabinet Corporation

Mr. Evans' response also clarifies the legal classification of the Evans Cabinet Corporation. The Corporation is a corporation and not a sole-proprietorship as the Complainant asserts. Thus, the Complainant's allegation that Mr. Evans violated the Act as the sole-proprietor lacks merit.

However, the canceled checks for the ads that Mr. Evans supplied bear the address of Evans Cabinet Corporation though not the corporate name. Mr. Evans claims he paid for the ads from personal funds, but the corporation's address printed under "Clyde Evans, Special Account" raises a question of whether the checks were drawn on Mr. Evans' personal account

94030972286

or on an account of Evans Cabinet Corporation. Mr. Evans is the Chief Executive Officer of Evans Cabinet Corporation, and Lousue Evans, the only other officer, is Chief Financial Officer and Secretary. (Georgia Corporations Division). Mr. Evans indicated in a phone conversation on January 12, 1993 that the corporate account has a different account number and is drawn on a different bank than the "special account" used to pay for the ads, and he provided a copy of two blank corporate checks bearing that information. The information Mr. Evans has provided, however, does not resolve the issue of the source of funds for the ads and so a limited investigation of the bank account is necessary.

Therefore, there is reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a). There is also reason to believe that Evans Cabinet Corporation violated 2 U.S.C. § 441b and that Clyde Evans violated 2 U.S.C. § 441b by consenting to any such corporate contribution.

94030972287

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)
)

MUR 3678

INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO: Clyde Evans and Evans Cabinet Corp.
c/o Ernest F. Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
P.O. Box 927
Dublin, GA 31040

94030972288
In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 30 days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

1. Please provide all documents, including check registers, deposit slips, and bank statements, indicating the source of all funds deposited into the following account for the periods September 1990 through November 1990 and September 1992 through November 1992:

Clyde Evans
Special Account
1321 N. Franklin St.
Dublin, GA 31021

Bank of Dudley
P.O. Box 7
Dudley, GA 31022

2. Please state who has check writing authority on the above named account.

Clyde Evans and Evans Cabinet Corp.
Interrogatories and Document Requests
Page 2

3. Please provide a copy of each and every ad, paid for by Clyde Evans and/or Evans Cabinet Corp. during the 1990 and 1992 election cycles, which refer to, concern, or relate to J. Roy Rowland.

(a) For each ad, identify which newspaper(s) published it, the dates of publication, who wrote or drafted the ad copy, and cost.

(b) For each ad, please provide a copy of the check, front and back, by which payment was made, and a copy of the invoice(s) from the newspaper(s) which ran each ad.

4. Please produce documents and materials that you relied on in your preparation of, payment for, and involvement with the ads concerning J. Roy Rowland.

94030972289

OGC 8489

APR 21 1993

April 16, 1993

Office of the General Counsel
Federal Election Commission
Room 659
999 E. Street, NW
Washington, DC 20463

93/PR 21 PM 3:05

RE: MUR 3678
Clyde Evans
1823 Pine Forest Circle
Dublin, GA 31021

Gentlemen:

In response to your Interrogatories and Request for Production of Documents, I am producing copies of all documents requested. They are as follows:

1. Copies of check registers, deposit slips with each deposit slip indicating the source of all funds and the copies of checks front and back for the period September, 1990 thru November, 1990 and September, 1992 thru November, 1992 for the following account:

Clyde Evans
Special Account
1321 N. Franklin Street
Dublin, GA 31021

Bank of Dudley
P.O. Box 7
Dudley, GA 31022

2. Clyde Evans has check writing authority on the above named account. He is the only person with check writing privilege.
3. Enclosed is a copy of each ad, the newspaper it was published in, and the dates of publication, who wrote the ad, and a copy of the invoice.

- a. The Tifton Gazette, Tifton, GA
October 23, 1992
October 29, 1992
October 30, 1992

Clyde Evans wrote the ad.
Invoice - \$338.50

94030972290

- b. The Douglas Enterprise, Douglas, GA

October 21, 1992
October 24, 1992
October 25, 1992
November 1, 1992
October 22, 1992

Clyde Evans wrote the ad.

Invoice - \$240.00

Less: Reimbursement of \$22.90 on 4-6-93 of ads that
did not run of October 31, 1992.

- c. The Daily Sun, Warner Robins, GA

October 22, 1992
October 23, 1992
October 29, 1992
October 30, 1992

Clyde Evans wrote the ad.

Invoice - \$415.38

- d. The Herald - Leader, Fitzgerald, GA

October 28, 1992

Clyde Evans wrote the ad.

Invoice - \$53.95

- e. Cordele Dispatch, Cordele, GA

October 23, 1992
October 23, 1992
October 29, 1992
October 30, 1992

Clyde Evans wrote the ad.

Invoice - \$383.86

- f. Macon Telegraph and News, Macon, GA

October 22, 1992
October 23, 1992

Clyde Evans wrote the ad.

Invoice - \$2,863.51

- g. Albany Herald, Albany, GA

October 22, 1992
October 23, 1992
October 29, 1992

Clyde Evans wrote the ad.

Invoice - \$968.00

94030972291

- 94030972292
- h. Eastman-Dodge County News, Eastman, GA
October 21, 1992

Clyde Evans wrote the ad.
Invoice - \$81.25

- i. Georgia Newspaper Service, Inc.
Georgia Press Association, Atlanta, GA
October 24, 1990
October 25, 1990
October 31, 1990
November 1, 1990

Clyde Evans wrote the ad.
Invoice - \$4,215.20
Invoice - 753.09

4. The documents and materials relied on in preparation of the ads came from information from newspaper publications and magazine articles that I no longer have in my possession.

On November 13, 1992 in the Courier Herald in Dublin, Georgia, and other numerous papers I ran an ad apologizing to Congressman J. Roy Rowland for my actions. This ad is enclosed.

As per the above stated facts, I respectfully hope that you will not find me in violation of any complaints filed by the Democratic Party of Georgia.

If you need additional information, please contact me at 912-272-2530.

Yours truly,

Clyde Evans
Clyde Evans

Enclosures

Sworn to and subscribed before me this
16th day of April, 1993.

Betty H. Pitts
Notary Public

Notary Public, Laurens County, Georgia
My Commission Expires July 9, 1994

My commission expires: _____

94030972293

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID

oct 18 19 90

0545

64-593
612

PAY TO THE ORDER OF Georgia State Association \$ 4,215²⁰

FOUR THOUSAND TWO HUNDRED FIFTY + ²⁰/₁₀₀ DOLLARS

B BANK OF DUDLEY
Post Office Box 7, Dublin, Georgia 31021

B BANK OF DUDLEY
Post Office Box 7, Dublin, Georgia 31021

61205938 61205938

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID

oct 22 19 90

0547

64-593
612

PAY TO THE ORDER OF Georgia State Association - 24-90 \$ 753⁰⁹

Seven Hundred Fifty Three + ⁰⁹/₁₀₀ DOLLARS

B BANK OF DUDLEY
Post Office Box 7, Dublin, Georgia 31021

B BANK OF DUDLEY
Post Office Box 7, Dublin, Georgia 31021

61205938 61205938

Clyde Evans

93 APR 21 P 3:06

FEDERAL RECEIVED
COMMISSION

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID Oct. 20, 1992

0702
64-593
612

PAY TO THE
ORDER OF

Lifton Gazette

\$ 338.50

Three hundred thirty eight & 50/100

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID Oct. 20, 1992

0703

64-593
612

PAY TO THE
ORDER OF

Douglas Enterprise

\$ 240.00

Two hundred and forty & 00/100

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID Oct. 20, 1992

0704

64-593
612

PAY TO THE
ORDER OF

Warner Robins Daily Sun

\$ 415.38

Four hundred fifteen & 38/100

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

DUDLEY, GEORGIA

FOR

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

PAID Oct. 20, 1992

0705

64-593
612

PAY TO THE
ORDER OF

Fitzgerald Herald Leader

\$ 53.95

Fifty three & 95/100

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY

FOR

Clyde Evans

94030972294

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0700

64-593
612

PAY TO THE
ORDER OF

Cardale Dispatch

\$ *383.86*

Three hundred eighty three & 86/100 -

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY
DUDLEY, GEORGIA

FOR

91265031

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0707

64-593
612

PAY TO THE
ORDER OF

Eastman - Dodge County News

\$ *81.25*

Eighty one & 25/100 -

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY
DUDLEY, GEORGIA

FOR

91265031

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0708

64-593
612

PAY TO THE
ORDER OF

Macon Telegraph & News

\$ *2,863.51*

Two thousand eight hundred sixty three & 51/100 -

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY
DUDLEY, GEORGIA

FOR

91265031

Clyde Evans

CLYDE EVANS
SPECIAL ACCOUNT
1321 N. FRANKLIN ST.
DUBLIN, GA 31021

0709

64-593
612

PAY TO THE
ORDER OF

Albany Herald

\$ *968.00*

Nine hundred sixty eight & 00/100 -

DOLLARS



BANK
OF DUDLEY
Post Office Box 7, Dudley, Georgia 31022

BANK OF DUDLEY
DUDLEY, GEORGIA

FOR

91265031

Clyde Evans

94030972295

From: The Tifton Gazette

Box 708 Tifton GA 31793

FAX (912) 382-7322

Date: 4/2/93

To:

Betty Calkins

To FAX Number:

(912) 382-7322

Subject or message:

copy of Clyde Evans invoice & acct

From:

Michelle Dillman

Number of Sheets to follow:

5

Please notify us at (912) 382-4321 if this transmission is not clearly received or if any papers are missing

TIFTON GEORGIA

TEL No.

Apr 2, 93 9:46 No. 006 P. 022

P.O. BOX 708 • 211 N. TIFT AVE.
TIFTON, GA 31793
912-382-4321

CLYDE EVANS

THE TIFTON GAZETTE
UPON RECEIPT

Page 1

INVOICE DATE 4/1/93
INVOICE NUMBER 00000
ACCOUNT NO. 00000
AMOUNT DUE \$0.00

PLEASE RETURN COPIES PORTING WITH YOUR REMITTANCE

PLEASE NOTE: THE CORRECT TELEPHONE NUMBER IS 382-4321*****
18.00% ANNUAL SERVICE CHARGE ON PAST DUE BALANCEAccount Status as of 4/1/93
CURRENT OVER 30 DAYS OVER 60 DAYS OVER 90 DAYS

t 1	Balance Forward			
t 21	Payment			
t 22 015544	OPEN LETTER POLITICA	TG	2x6.00	12.00
t 23 015563	Local Display	TG	2x6.50	13.00
t 29 015544	OPEN LETTER POLITICA	TG	2x6.00	12.00
t 30 015563	Local Display	TG	2x6.50	13.00
t 31	TOTAL DUE			

338.50

THE TIFTON GAZETTE

94030972296

Local groups are encouraged to use the week-long campaign as a lock-off for ongoing drug abuse prevention activities.

Spooky times ahead at Georgia Agrirama

The Halloween festivities begin at 6 p.m. and continue until 9 p.m. Oct. 31. The odd-fashions' contest will include pictures of costumes, hats and pins. There will be a contest for best costume, best mask, best outfit, best mouth, best and ugliest on a string.

Contestants will be held on the Wagonway Opry stage every half hour and prizes from Agnew's Country Store will be awarded to the winners.

Pumpkin Walks, in the manner of century-old cake walks, will also be held.

A making contest over a being distributed to the county elementary schools. Children who bring the over with them to the carnival will be eligible for prizes. Additional forms are available at the County Office at the Georgia Agriseum.

Children 12 and under will be admitted free. This admission price includes lunch tickets for carnival activities. Additional tickets will be available for 25 cents each.

For more information, call
912.385.2344.

QUICK RESULTS...
With Classified Ads

The facility was designed by Stevenson and Salzer Engineering of Albany and was constructed by four general contractors, each being responsible for a separate part of the work. James Robinson

HOME ADMINISTRATION, Greater London was initially scheduled for £1.36 million. However, the city's audit engineer, after negotiations with governmental agencies, were successful in getting the grant amount raised to £2.229 million. Hand said.

The Tift County Community Development Department now has housing rehabilitation loan funds available for low income homeowners. Loans will be made to homeowners that have a combined annual income of \$23,600.00 or less. All loans will have a fixed interest rate of 7% and up to a 10 year pay back. For more information, contact Ray Henderson, in room 214 of the Tift County Administrative Building or call 386-7867.

Ray Keedron, Housing
Coordinator

Dear English Contract Worker:

Congressman J. Roy Rowland is again championing the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressmen needs a Constitutional Amendment to force him to be balanced as a "Big Spender" by the National Treasury? I wonder? This is the same Congressman who has contracted with Russia, China and in Washington that he was forced to give Russia a \$25,000,000 per year gift and a "lifetime" package of almost a million dollars in order to get the Ethics Bill passed. It did not a great job that it brought in the Congressional Post Office Trustees and the Check, Boarder, Senator.

If we had a tax revolt against the tax spenders in Washington, J. Roy's office would be one of the first to go. Consider the following which J. Roy used FOR:

[illegible]

...the all-time on-line Republican John Lewis of Atlanta, the man who defines liberals in Georgia and led Kennedy from the great bastion of Southerners up north, have a more conservative voting record.

Sincerely,
Clayton Ewens
A Concerned Citizen

Hale said he almost did not attend the exposition and never expected to win anything. "I just filled out a slip and didn't think about it," he said. "I never had any luck. I never won anything before."

Hale said he was just walking around looking at the exhibits

DANNY CRUMLEY
CHIEF MAGISTRATE

Danny is 41 years old and is in excellent health. He has lived in Tift County all of his life and is very aware of the past situations and future needs of the county. It has been said, "The best way to prepare for the future is by studying the past". Since Danny has never left Tift County, he knows the past and is very capable of helping plan for improvements in the future.

Danny is married to Sue Crumley. She is employed at Annie Besse Clark Elementary School. They have been happily married for 21 years. They have one child, Robin, and she currently attends ABAC. Danny is the son of Mr. and Mrs. H. I. Crumley.

Darvin is very active in the Union Grove Church of God. He has attended this church for his entire life. His life is an "open-book"—please read it.

Leahy graduated from Tih County High School in 1969. He attended ASAC and has studied at the Police Academy under the criminal justice system.

Danny has worked hard all of his life. He understands the needs of the business community. Danny says, "By owning and operating my business, I know how important it is to do a good job promptly—and expect to get paid for it. It's really support the citizens and business owners of Titoh and Te County." He has owned his own business for 21 years and understands how important business transactions are to a community.

Darby has 17 years experience as a reserve deputy with the Sheriff's Department. The last 2 1/2 years Darby has been Chief of the Reserve Deputy Force. Darby DOES NOT get paid for this service. He does it for the betterment of the county. Darby loves Tit County and will always do his best for improvements. During these 17 years, Darby has worked very closely with the Magistrate's Office. He knows what it takes to justify a warrant and how to get it served efficiently. Darby prides to serve ALL of the citizens of Tit County and pledges to always maintain the highest of moral standards in a prompt and efficient manner.

to personally ask for your support. I have the ability, experience, good health, integrity. I will dedicate myself at all times to the needs of the citizens of Te

Sincerely,

Deming County

**South Georgia's
Finest Dining Experience**
HOLIDAY INN

Paid for by candidate

Georgia Forecast

GEORGIA Weather

Stock market report

Local stocks

Commodities

without Grand No. 10,541.
The family will receive friends from 7 to 9 o'clock with the viewing held at 6:30 p.m.
Born Dec. 22, 1900, in Bibb County, she was the daughter of Edward and Ruby Shunkster. Both deceased. She was the widow of Matthew H. Whitburn Sr., who

Lolla Doris Harnage
Lolla Doris Harnage, 67, of 1512 Whitson Mill Road, Tifton, died Wednesday, Oct. 21, 1992, at Tift General Hospital.

Funeral services will be at 2 p.m. Saturday at First Assembly of God. The Rev. O.L. Spinks will officiate.

Louise Carol Douglas, 16 grandchildren and 34 great-grandchildren.

Arrangements are being handled by Brown Donahoe Home for Funerals.

Lora Walker Brewer of Fitzgerald, funeral services at 3 p.m. today at Paula Funeral Home Chapel, burial at Troup Cemetery in Ben Hill County.

SHRIMP & DELICIOUS LUNCHES
SHOKEY'S

ALL YOU CAN EAT CATFISH
WED. & SAT. NIGHTS
*Holiday Inn

LET US MEAT YOUR NEEDS
Beef—Poultry—Pork
We Do Custom Processing & Packing
WHOLESALE—RETAIL
Specials Good For Week of Oct. 20-24

8 lbs. Townsman Roast	\$4.99
Pork Pan Sausage	\$4.99
10 lbs. Sausage or 5 lb. ham	\$12.99
Ground Beef	\$4.99
8 lbs. Townsman Country Style	\$4.99
Striped Smoked Bacon	\$4.99
5 lbs. Townsman Pork	\$8.49
Pork Chops	\$3.99
5 lbs. Townsman Pork	\$3.99
Smoked Ham Hocks	\$3.99
5 lbs. Townsman Pork	\$7.99
Chicken Breast	\$7.99

Call Ahead For Special Cutting & Packaging
Fresh Pork Slaughtered Twice Weekly

JOHNSON GOLD STORAGE

HOW DOES YOUR CONGRESSMAN VOTE?
Big Spender Or Georgian?

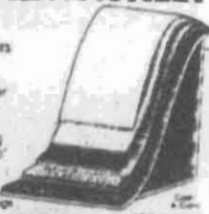
HOUSE VOTES	HOWLAND VOTES	
	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 536)		X
Taxpayer handling of needles and syringes for drug addicts (S 1336)	X	
\$1 Million Ourside Assistance to Socially Disadvantaged Farmers	X	
Dairy Tax Exemption	X	
One Year Phase in Medicare Premiums of \$479/year	X	
Rural Taxes \$2000 over 5 years of Families Earning \$35,000 (HR 5027)	X	
Let the Best Vets and Business Budget Amendment Requiring a 5% Majority vote of Each Chamber to Permit Debt (HR 280)		X
\$2.2 Million Feasibility Study for the Red River Waterway Project which Corridor of Engineers Called "Marginal at Best" (HR 6373)	X	
\$10 Million Rural Construction Roundtable Never Requested by Postponed for Camp McCain, Mississippi (HR 5428)	X	
\$15 Million Expenditure for Parking Garage in Newark, N.J. (HR 5440)	X	
Let Men-Parsons Administrative Conf. at each Agency by 25th March (HR 6518)		X

Agree this year, The National Taxpayers Union rated J. Roy Rowland a "Big Spender" and a 10% Conservative vote.
Rowland was last awarded a \$442 per month pay raise on top of 1980's \$32,000 salary increase. His retirement is now worth \$1 million.
Conservative Georgian...NO Big Spender...YEE!

VAN WATERS CARPETS & INTERIORS

SPECTACULAR TRUCKLOAD SALE!

TOMORROW, OCT. 24th
9 A.M. - 3 P.M.
We have extended our hours for this big sales event to **6 BIG HOURS**
Prices Have Never Been Lower But Good For This **ONE DAY ONLY!**
We will have a 45 foot long trailer filled with rolls & rolls of carpet & vinyl and **EVERYTHING MUST GO!**
Complimentary set of 4 square yard rug with a purchase of \$25 or more



The holidays are just around the corner, so now's the time to spruce up your home for the holiday guests!

11:50	1:50
2.99	4.99
4.00	4.00
1.00	1.00

VAN WATERS CARPETS & INTERIORS
713 South Main Street

Stock market report

Freda Belle Daniel

TY TY — Freda Belle Weaver
Dandel, 85, of Route 1, Box 2115,
Ty Ty, died Tuesday, Oct. 27, 1992,
at The Health Care.

Funeral services will be at 2 p.m. Friday in the chapel of Bowen-Donaldson Home for Funerals. Pastor Bruce Trigg and Pastor Martin Pancher will officiate. Burial will follow at Hickory Springs Church Cemetery.

Fullbackers will be Mike Dandiel, Charlie Daniel, Dr. Stanley Moya, Dennis Moya, Steve Barrow and David Walters.

The family will receive friends from 7 to 9 tonight at the funeral.

County, Ala., she was the daughter of John Thomas King and Ida Belle Murphy King, both deceased. She was preceded in death by two brothers and one sister. She was a housemaker and a member of First United Methodist Church of Tifton.

She is survived by one sister, Viridile King of Tifton; two nephews, William C. King of St. Petersburg, Fla. and Frederick R. King of Mossant Lake, Neb.; one niece, Kathryn King of Sacramento, Calif. and several great-nephews and great-nieces.

improves and even helps

Mary Geiner and Linda Hall, both of Alabama, and Jean Strickland of Jacksonville, Fla.; one sister, Bertha Cook of Ocala, Fla., 27 grandchildren; and several great-grandchildren.

Arrangements are being handled by Lovell Funeral Home of Nashville.

Olie Ray Lumsden

Dear Eighth District Voter:

Congressman J. Roy Rowland is againumping the Tenth Congressional District for support of a balanced budget amendment. Isn't it strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "big spender" by the National Taxpayer's Union? This is the same Congressman who was dismissed with normal ethics in Washington Post he was known to vote himself a \$25,000 per year pay raise and a retirement package of several million dollars in order to get the Ethics Board passed. He did such a good job that it brought us the Congressional Post Office scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big members in Washington, I. Fey's office would be one of the first to go. Consider the following what I. Fey would NOT:

[illegible]

The fit goes on. Even Representative John Lewis of Atlanta, the man who defines liberalism in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely,
Chris Evans
A Concerned Citizen

Serving The Citizens Of The Tefuna

• Traditional Services
 • Cremation
 • Customized Memorials
 • Prearrangements
 • United Family Life Insurance Co.
 842-7450



J. Michael
Beaumont
Director
Munich

FREE

Head Cleaning On Any VCR

BY OUR

Professional Technicians
With This Ad

Serving Tiffness

Jack Bailey's
Home Entertainment Center

906 Concord Drive (Next To K-Mart) 382-8090

VOTE

DANNY CRUMLEY
FOR CHIEF MAGISTRATE
OF TIFT COUNTY

Even though I have received 21 valuable years of supervisory and business experience with C & P Contractors, I WILL NO LONGER OPERATE C & P Contractors. The Chief Magistrate's office will have my full and undivided attention.

During my tenure with the Tift County Sheriff's Department, I have worked with many community and business leaders. I vow to you that: I will function in the future as in the past to ensure **HONESTY, CREDIBILITY AND FAIRNESS** to the citizens of Tift County.

I will change the current Magistrate's Office into a more productive, efficient, and businesslike office. I ensure you strong communication with all who use this office.

Point For the Candidate

In Account With

The Douglas Enterprise

1823 S. Peterson Ave., P.O. Box 551, Douglas, Ga 31533
Phone (912) 384-2323 Fax (912) 383-0218

Clyde Evans
P.O. Box 927
Dublin GA 31040
AH: Betty Pitts

Date: April 16, 1993

Acct. No. _____

Date	Description	Inches	Charge Amt.
10-21	How Does Your Congressman 2x6.5		32 50
10-24	How Does Your Congressman 2x6.5		46 15
10-25	An Open Letter 2x6		46 15
11-1	How Does Your Congressman 2x6.5		46 15
11-1	How Does Your Congressman 2x6.5		46 15
10-22	Payment 240.00		-22 90
	Reimbursement CK #72450 for ad that did not run on 10-31-92 Amount of \$22.90		
	Past Balance		- 0 -
	Balance Due		- 0 -

94030972301

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THE DOUGLAS ENTERPRISE

P. O. BOX 551
DOUGLAS, GA 31533

72450

64-5841612
BRANCH 0006

PAY
TO THE
ORDER OF

Lyde Lane

\$ *22.90*

DOLLARS

Twenty two and 90/100

THE DOUGLAS ENTERPRISE



SOUTHERN
BANK
P. O. Box 1328
Douglas, Georgia 31533

FOR *Reimbursement*

⑈072150⑈ ⑈061205844⑈ 080 00 0092⑈9⑈

J. M. Murrell

94030972302

An Open Letter to the Voters of the Eighth Congressional District

Dear Eighth District Voter:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 a year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go. Consider the following which J. Roy voted FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 trillion
HJR 2939	Foreign Assistance Program Funding	\$14.6 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 706	1990 Budget Deficit Increase	\$99 billion
HR 3024	National Debt Limit Increase	\$70 billion
HR 2990	Funding increase for Departments of Labor, Health & Education	\$87.7 billion
HR 3402	Foreign Aid to Poland & Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$78,500 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993 Deficit Increase for 1993	\$327 billion
HR 5260	Unemployment Benefits Extension	\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:

Bill	Item	Amount Saved
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely, Clyde Evans, A Concerned Citizen

Paid for by
Clyde Evans

94030972303

94030972304

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES

ROWLAND VOTES

	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts (S 1306)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/ year	X	
Raise Taxes \$2000 over 5 years for Families Earning \$35,000 (HR 5835)	X	
Line Item Veto and Balanced Budget Amendment Requiring a 3/5 Majority vote of Each Chamber to Permit Deficit (HJR 290)		X
\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 5373)	X	
\$19 Million Road Construction Boondoggle Never Requested by Pentagon for Camp McCain, Mississippi (HR 5428)	X	
\$15 Million Expenditure for Parking Garage in Newark, N.J. (HR 5488)	X	
Cut Non-Personnel Administrative Cost at each Agency by \$59 million (HR 5518)		X

Again this year, The National Taxpayers Union rated J. Rowland a "Big Spender" and a 16% Conservative voter.

Rowland was just awarded a \$345 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million.

Conservative Georgian . . . NO. Big Spender . . . YES!
 END FOR BY CLYDE EVANS - A CONCERNED CITIZEN
 OF DUBLIN, GA

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES

ROWLAND VOTES

	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts (S 1306)	X	
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Conservative Georgian ... NO. Big Spender ... YES!
PAID FOR BY CLYDE EVANS - A CONCERNED CITIZEN
OF DUBLIN, GA

94030972305

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES

ROWLAND VOTES

	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts (S 1306)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/year	X	
Raise Taxes \$2000 over 5 years for Families Earning \$35,000 (HR 5835)	X	
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\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 5373)	X	
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Conservative Georgian . . . NO. Big Spender . . . YES!
PAID FOR BY CLYDE EVANS - A CONCERNED CITIZEN
OF DUBLIN, GA

94030972306

The Enterprise

Business & Industry Report



HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES	ROWLAND VOTES	
	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts (S 1306)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/ year	X	
Raise Taxes \$2000 over 5 years for Families Earning \$35,000 (HR 5835)	X	
Line Item Veto and Balanced Budget Amendment Requiring a 3/5 Majority vote of Each Chamber to Permit Deficit (HJR 290)		X
\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 5373)	X	
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Conservative Georgian . . . NO. Big Spender . . . YES!
PAID FOR BY CLYDE EVANS - A CONCERNED CITIZEN
OF DUBLIN, GA

94030972307

John Smith Jones

October 30, 1992

PA9912-272-6868

1995-1996

25

HOUSE VOTES:

FROM THE EDITOR: A CONCENTRATED CRITIQUE OF DRUGS AND DRUG POLICY BY DAVID H. PETERSON. A CONCENTRATED CRITIQUE OF DRUGS AND DRUG POLICY BY DAVID H. PETERSON.

10/30

94030972309

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservative Georgian?

HOUSE VOTES**ROWLAND VOTES**

	YEA	NAY
Release complete facts on drug dealing at House Post Office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts (S 1306)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/year	X	
Raise Taxes \$2,000 over 5 years for Families Earning \$35,000 (HR 5835)	X	
Line Item Veto and Balanced Budget Amendment Requiring a 3/5 Majority vote of Each Chamber of Permit Deficit (HJR 290)		X
\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 5373)	X	
\$19 Million Road Construction Boondoggle Never Requested by Pentagon for Camp McCain, Mississippi (HR 5428)	X	
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Cut Non-Personnel Administrative Cost at each Agency by \$59 Million (HR 5518)		X

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Conservative Georgian...NO. Big Spender...YES!

PAID FOR BY CLYDE EVANS • A CONCERNED CITIZEN OF DUBLIN, GA

TQ:

APR 2, 1993 12:13PM #760 P.03

P. O. BOX 40
PHONE 912/423-9331

111 E. CENTRAL AVE.
FITZGERALD, GA. 31750

Date _____

DATE	FOR		CHARGES
10/23	Ch # 0705	-	53 95
10/28	2x6.5 Ad How your Congressman Votes.	+	53 95
	TOTAL	-	0 -

912-273-2277

THIS INVOICE IS DUE
UPON RECEIPT!CLYDE EVANS
18123 PINE FOREST CIRCLE
DUBLIN, GA 31040Page 1
INVOICE DATE: Oct 31/92
INVOICE NUMBER: 004588
AC'COUNT NUMBER: 001103
AMOUNT NOW DUE: \$ 0.00

PLEASE RETURN UPPER PORTION WITH YOUR REMITTANCE

WRAP UP EXTRA CHRISTMAS SALES --- DON'T DELAY CALL (912) 273-2277

18.00% ANNUAL SERVICE CHARGE ON PAST DUE BALANCE

----- Account Status as of this Billing -----

CURRENT OVER 30 DAYS OVER 60 DAYS OVER 90 DAYS BALANCE NOW DUE
\$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00

DATE	ORDER#	DESCRIPTION	ED	CL	DEPTH	SIZE	RATE	AMOUNT
Oct 1		Balance Forward						\$ 0.00
Oct 21	0706	Payment						(383.86)
Oct 22	004512	OPEN LETTER	CD		3x7.00	21.00	6.45	135.45
Oct 23	004510	HOW DOES	CD		2x6.50	13.00	6.45	83.85
Oct 29	004513	OPEN LETTER	CD		3x7.00	21.00	4.84	101.64
Oct 30	004511	HOW DOES	CD		2x6.50	13.00	4.84	62.92
Oct 31		TOTAL DUE						\$ 0.00

THE CORDELE DISPATCH

THE CORDELE DISPATCH
13TH AVENUE WEST • P.O. BOX 1058
CORDELE, GA 31015
912-273-2277PAY THIS
AMOUNT

\$ 0.00

in a warehouse and bleed and drool on one another.

The movie has one of the best casts you could imagine, led by the legendary old tough guy Lawrence Tierney, who has been in and out of jail both on the screen and in real life. He is incapable of uttering a syllable that sounds inauthentic.

Tierney plays Joe Cabot, an experienced criminal who has assembled a team of crooks for a big diamond heist. The key to his plan is that his associates don't know one another, and therefore can't squeal if they're caught.

He names them off a color chart: Mr. White, Mr. Orange, Mr. Blonde, Mr. Pink and soon, Mr. Pink doesn't like his name. "You're lucky you ain't Mr. Yellow," Tierney rasps.

The opening scene features an endlessly circling camera, as the tough guys light cigarettes and drink coffee in one of these places where the tables are Formica and the waitresses write your order on a green-and-white Guest Check.

They argue, joke and BS each other through thick clouds of

of parole. There's a funny moment of tipping.

Then they walk out of the restaurant, and are introduced in the opening credits, as they walk menacingly toward the camera.

They have great faces: the glowering Michael Madsen; the apprehensive Tim Roth; Chris Penn, ready for anything; Tierney, with a Mack truck of a mug; Harvey Keitel, whose presence in a crime movie is like an imprimatur.

The movie feels like it's going to be terrific, but unfortunately Tarantino's script doesn't have much real curiosity about these guys. He has an idea, and trusts the idea to drive the plot, without insights or psychology.

The idea is that the tough guys, except for Tierney and the deranged Madsen, are mostly bluffers, creatures of these latter days when criminals study TV to find out how to act. They have big guns but are not skilled stickup men and are not good at handling themselves in desperate situations.

We see the bungled crime in flashbacks.

HOW DOES YOUR CONGRESSMAN VOTE?

Big Spender or Conservation Georgian?

HOUSE VOTES

ROWLAND VOTES

	YEA	NAY
Release complete facts on drug dealing at House Post office (HR 526)		X
Taxpayer funding of needles and syringes to drug addicts; (S 1306)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$470/year	X	
Raise Taxes \$2000 over 5 years for Families Earning \$35,000 (HR 5835)	X	
Line Item Veto and Balanced Budget Amendment Requiring a 3/5 Majority vote of Each Chamber to Permit Deficit (HJR 290)		X
\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 5373)	X	
\$19 Million Road Construction Boondoggle Never Requested by Pentagon for Camp McCain, Mississippi (HR 5428)	X	
\$15 Million Expenditure for Parking Garage in Newark, N.J. (HR 5488)	X	
Cut Non-Personnel Administrative Cost at each Agency by \$59 million (HR 5518)		X

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Rowland was just awarded a \$345 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million.

Conservative Georgian... NO. Big Spender... YES!!

PAID FOR BY CLYDE EVANS • A CONCERNED CITIZEN OF DUBLIN, GA

Chattanooga Times and

RCB-TV.

Fowler well remembers from six years ago how quickly that can turn.

Ga. adds 26 species to endangered list

ATLANTA (AP) — The northern right whale, Georgia's official marine mammal, heads the list of 26 animals and plants which are the newest additions to the state's endangered species list.

The Board of Natural Resources, defeating new attempts by developers, foresters and farm interests, added the 26 species to the endangered list and 135 more to the state's protected list on Wednesday.

New phone books won't have code map

ATLANTA (AP) — New Georgia phone books from Southern Bell won't include an area code map for the state.

The 2.4 million business and residential telephone books to be distributed in early December will list

Also in the Southeast Consortium for Severe Thunderstorms and Tornadoes will be Florida State University, the University of Alabama at Huntsville and North Carolina State University.

Leonard Pietrafesa, head of North Carolina State's Department of Marine, Earth and Atmospheric Sciences, will direct the study.

Surroundings"

Pineview Health Care Center

Ph. 624-2437 • Pineview, Ga.

Pineview is approximately 20 miles from Cordele.

AN OPEN LETTER TO THE VOTERS OF THE EIGHTH CONGRESSIONAL DISTRICT

Dear Eighth District Voters:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who as so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go. Consider the following which J. Roy voted

FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 trillion
HJR 2939	Foreign Assistance Program Funding	\$14.6 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 708	1990 Budget Deficit Increase	\$99 billion
HR 3024	National Debt Limit Increase	\$70 billion
HR 2990	Funding Increase for Departments of Labor, Health and Education	\$87.7 billion
HR 3402	Foreign Aid to Poland and Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$78,500 annual income)	\$87.8 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
	Deficit Increase for 1993	\$327 billion
HR 5280	Unemployment Benefits Extension	\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:

Bill	Item	Amount Saved
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely,
Clyde Evans
A Concerned Citizen

PAID FOR BY CLYDE EVANS

Please join us
for the
Dedication Ceremony

of the
Bubbee Walking Track

Friday, Oct. 30, 1992
11:30 am

Regional Hospital
located on 5th Street

any will be postponed in case of rain.
Call 776-7794 for information.

RISP REGIONAL HOSPITAL

Lottery

Continued from page 1

Weltner of the GBE said.

Weltner said Georgia ranks 38th of the 50 states in money spent per student. Georgia also has one of the nation's highest dropout rates and declining SAT scores.

Weltner said poorer school systems which can't earn higher tax revenues are unable to provide their students with new programs such as those dealing with computers, a dilemma which puts rural graduates at a disadvantage when they enter the job market.

Ironically, the same poverty which inhibits higher taxes in rural areas also has been used to discourage the ratification of a state lottery.

Lottery opponents say poor Georgians will spend more of their money on the lottery than on paying their bills if the game is legalized here, but Bill Bergman of the National Association of Provincial and State Lotteries said that is "a bunch of poppycock."

"The statistics show that poor people don't play the lottery any more than more affluent people, and actually play it less," Bergman said.

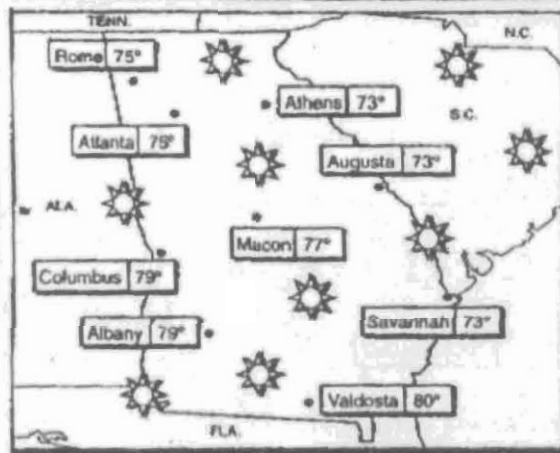
Donald Conkey of the Georgia Alliance Against Gambling called the lottery "a regressive tax," saying lottery organizations prey upon the poor and uneducated. Bergman refuted that.

"Just look up 'tax' in Webster's. It's an involuntary payment. People are forced to pay it. This is entirely voluntary," he said. "We market the lottery as adult family entertainment."

Vernon Kirk of the Delaware Lottery said not only do lotteries not prey upon the poor, their advertising actually targets the middle and

Weather

Georgia weather



STATE — Sunny skies are expected across Georgia Friday.

National weather

The Accu-Weather® forecast for noon, Friday, Oct. 23.



Local weather

The 24-hour weather ending at 8 a.m. today.

Temperatures

High: 79
Low: 47
October averages:
High: 79 Low: 53

Precipitation

24-hour: 0.00
October: 1.25
Year: 39.87
Average month: 1.75

Children's weather

LYDIA MUSSELWHITE
J.S. PATE



Extended outlook

Georgia forecast

Saturday increasing clouds with a slight chance of showers. Highs in the 70s to lower 80s. Sunday and Monday mostly cloudy south and east with a chance of showers. Partly cloudy northwest with only a slight chance of showers. Lows in the 50s Sunday and 40s north to 50s south Monday. Highs in the upper 60s and 70s Sunday and in the 60s south Monday.

Tou mea Hall

SCENECTAD
ney's tight, the bi
and who knows i
any better? Soun
to don a Ross Per
down.

Halloween pro
blowout this year.
on Saturday, but
tumers, revelers
interest in dressi
couple of years as
slowed.

"Psychological f
play. The guy wh
death paying bills
for one night," sa
co-owner of Th
Schenectady com
40,000 costumes i
mendous release

"People want to
David Ruettiger, a
Stage Costumes

"They come into th
and they don't hav
You can feel that
something anywa
want to enjoy the

Halloween spenk
States, on everythi
costumes, has incr
million in 1989 to
million this year, a
mark Cards Inc.

"As the baby bi
they're starting thei
Hallmark spokesw
gager said in Kansa

TEL No. 912-273-7239

APR 15 93 15:14 No. 002 P. 0.01

CORDELE, GA., DISPATCH, Thursday, October 22, 1992

Lottery

Continued from page 1

of the GBE said. He said Georgia ranks 38th in states in money spent per capita. Georgia also has one of the highest dropout rates and the lowest SAT scores. He said poorer school systems can't earn higher tax revenues and are unable to provide their students with new programs such as dealing with computers, a disadvantage when they enter the job market. Additionally, the same poverty inhibits higher taxes in rural areas. Also has been used to discourage the ratification of a state

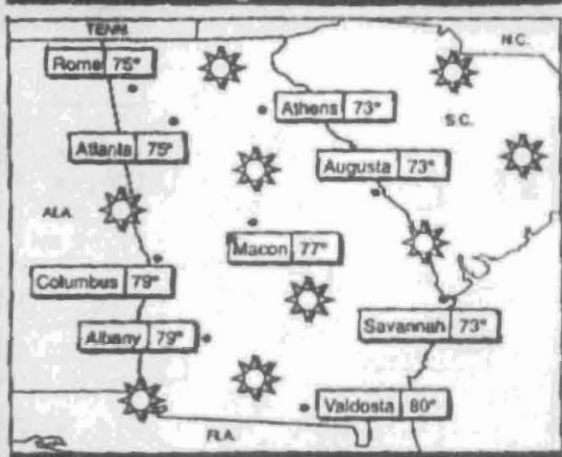
Lottery opponents say poor Georgians will spend more of their money on the lottery than on paying bills if the game is legalized but Bill Bergman of the National Association of Provincial and Lottery said that is "a bunch of pyrotechnics." He said the statistics show that poor people don't play the lottery any more than more affluent people. "They actually play it less," Bergman said.

Donald Conkey of the Georgia Alliance Against Gambling called the lottery "a regressive tax," saying lottery organizations prey upon the poor and uneducated. Bergman responded that. "Just look up 'tax' in Webster's. It's an involuntary payment. People are forced to pay it. This is entirely involuntary," he said. "We market the lottery as adult family entertainment."

Wernon Kirk of the Delaware Lottery said not only do lotteries not prey upon the poor, their advertisements actually targets the middle and

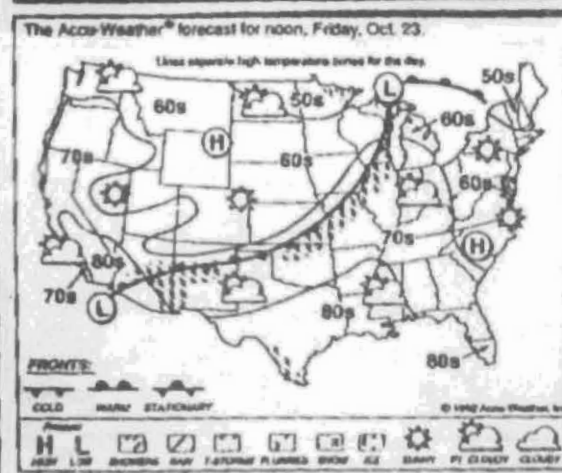
Weather

Georgia weather



STATE — Sunny skies are expected across Georgia Friday.

National weather



NATIONAL — After a chilly start, tomorrow will

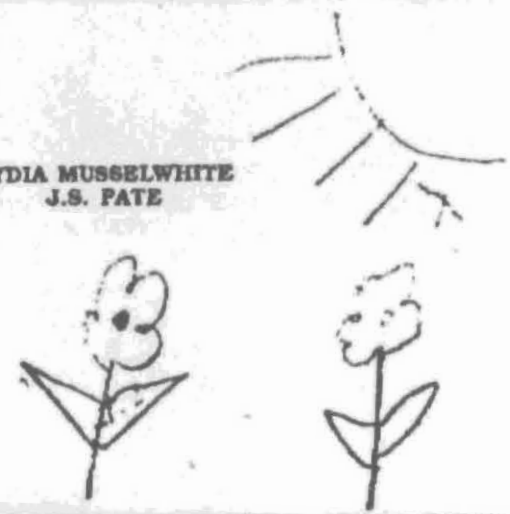
Local weather

The 24-hour weather ending at 8 a.m. today.

Temperatures	Precipitation
High: 79	24-hour: 0.00
Low: 47	October: 1.25
October averages: High: 79 Low: 53	Year: 39.87
	Average month: 1.75

Children's weather

LYDIA MUSSELWHITE
J.S. PATE



Extended outlook

Georgia forecast

Saturday increasing clouds with a slight chance of showers. Highs in the 70s to lower 80s. Sunday and Monday mostly cloudy south and east with a chance of showers. Partly cloudy northwest with only a slight chance of showers. Lows in the 50s Sunday and 40s north to 50s south Monday. Highs in the upper 60s and 70s Sunday and in the 60s north to lower 70s south Monday.

6261 local accu-weather

Tough times mean a Halloween

SCHENECTADY, N.Y. (AP) — Money's tight, the bills are stacking up and who knows if next year will be any better? Sounds like a good time to don a Ross Perot mask and party down.

Halloween promises to be a real blowout this year. Not only does it fall on Saturday, but according to costumers, revelers have shown more interest in dressing up in the past couple of years as the economy has slowed.

"Psychological fantasies come into play. The guy who's being beat to death paying bills can be a gladiator for one night," said Jack Sheehan, co-owner of The Costumer, a Schenectady company that stocks 40,000 costumes for rent. "It's a tremendous release valve."

"People want to have fun," agreed David Ruettiger, co-owner of Center Stage Costumes of Naperville, Ill. "They come into the store this year and they don't have a lot of money. You can feel that. But they'll buy something anyway because they want to enjoy themselves."

Halloween spending in the United States, on everything from candy to costumes, has increased from \$300 million in 1989 to a projected \$400 million this year, according to Hallmark Cards Inc.

"As the baby boomers get older they're starting their own traditions," Hallmark spokeswoman Betsy Helgager said in Kansas City, Mo. "And in these economic times, anybody who wants to escape for a little while can dress up for a day."

About 50 million Americans will

94030972317

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~~448.76 +~~

~~724.92 +~~

~~448.76 +~~

~~2,863.51 -~~

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217.48 +

507.44 +

134.63 +

314.13 +

860.73 +

3,215.62 S

3,215.62 S

2,863.51 -

352.11 \$

*Nicom
Telegraph*

LIST ACCOUNTING TRANSACTIONS FOR ACCOUNT 3.61

ACCOUNT # 24232075 NAME CLYDE EVANS 01 A BALANCE 00

TRANSACTION #	TYPE	DATE	PERD	ORIG-DATE	REP	RC	PH	PROD	DIST	NRUN	AMOUNT	
TAG LINE			COL	UNIT	SIZE			RATE	SEC	LOC	PG	TRM
0125070005		06 10-23-92		UNAP	CASH							
				REFERENCE: 0708-								
				TOTAL UNAPPLIED CASH								7.53-

25776401		01 10-28-92 10/92		200				IN	DALY	FULL		724.92
AN OPEN LETTER TO THE		3.00 IN		7.0000				34.5200	A		7	
				NET OF INVOICE								724.92
0185710012		11 10-31-92						APPL. CASH FROM 0125070001 10/23/92				724.92-
				REFERENCE: 0709								
				*** BALANCE OF INVOICE								00

25792901		01 10-23-92 10/92		200				IN	DALY	FULL		448.76
HOW DOES YOUR CONGRESS		2.00 IN		6.5000				34.5200	A		14	
				NET OF INVOICE								448.76
0125710014		11 10-31-92						APPL. CASH FROM 0125070003 10/23/92				448.76-
				REFERENCE: 0709								
				*** BALANCE OF INVOICE								00

Post-It™ brand fax transmittal memo 7671		# of pages	
To: Betty R.H.S.	From: Mary		
Co: Macon Jr	Co: Macon Jr		
Dept:	Phone:		
Fax: 912 272 6808	Fax: 912 744		

MACON TELEGRAPH PUB.
P. O. Box 4167
Macon, Georgia 31213-4

9 4 0 3 0 9 7 2 3 1 8

LIST

ACCOUNTING TRANSACTIONS FOR ACCOUNT

3.61

ACCOUNT # 2433075

NAME CLYDE EVANS

TERMS STATUS ACCOUNT

01 A BALANCE

.00

TRANSACTION #	TYPE	DATE	PERD	ORIG-DATE	REP	RC	TD	PROD	DIST	BRUN	AMOUNT
TAC LINE			COL UNIT	SIZE							

25778602		01 10-29-92 10/92		200				IN DAILY FULL			724.92
AN OPEN LETTER TO THE		3.00 IN		7.0000				34.5200 A		4	

DISCOUNT AMOUNT 217.48-

NET OF INVOICE 507.44

0155710013		11 10-31-92						APPL. CASH FROM 0105070002 10/23/92			507.44-
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REFERENCE 0700

*** BALANCE OF INVOICE .00

25790902		01 10-30-92 10/92		200				IN DAILY FULL			448.76
HOW DOES YOUR CONGRESS		2.00 IN		6.5000				34.5200 A		13	

DISCOUNT AMOUNT 134.63-

NET OF INVOICE 314.13

0155710015		11 10-31-92						APPL. CASH FROM 0105070004 10/23/92			314.13-
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REFERENCE 0700

*** BALANCE OF INVOICE .00

MACON TELEGRAPH PUB. CO.
P. O. Box 4167
Macon, Georgia 31213-4199

9 4 0 3 0 9 7 2 3 1 9

ACCOUNTING TRANSACTIONS FOR ACCOUNT										3.61
ACCOUNT # 24232075		NAME CLYDE EVANS		01	A	BALANCE				.00
TRANSACTION # TYPE	DATE	PERD	ORIG-DATE	REP	RC	PR	PROD	DIST	BRUN	AMOUNT
TAC LINE	COL	UNIT	SIZE	RATE	SEC	LOC	PG	TRM		
25778502	01	10-29-92	10/92	200				TN DAILY FULL		724.92
AN OPEN LETTER TO THE 3.00 IN 7.0000 34.5200 A 4										
DISCOUNT AMOUNT										217.48-
NET OF INVOICE										507.44
0185710013	11	10-31-92						APPL. CASH FROM 0185070002 10/23/92		507.44-
REFERENCE 0708										
*** BALANCE OF INVOICE										.00
25792202	01	10-30-92	10/92	200				TN DAILY FULL		448.76
HOW DOES YOUR CONGRESS 2.00 IN 6.5000 34.5200 A 13										
DISCOUNT AMOUNT										134.63-
NET OF INVOICE										314.13
0185710015	11	10-31-92						APPL. CASH FROM 0185070004 10/23/92		314.13-
REFERENCE 0708										
*** BALANCE OF INVOICE										.00

MACON TELEGRAPH PUB. CO.
P. O. Box 4167
Macon, Georgia 31213-4199

9 4 0 3 0 9 7 2 3 2 0

ACCOUNTING TRANSACTIONS FOR ACCOUNT										3.61		
ACCOUNT # 24232075		NAME CLYDE EVANS		TERMS STATUS ACCOUNT		01 A BALANCE				.00		
TRANSACTION #	TYPE	DATE	PERD	ORIG-DATE	REP	RC	PB	PROD	DIST	BRUN	AMOUNT	
TAG LINE		COL	UNIT	SIZE				RATE	SEC	LOC	PG	TRM
25244101		01	11-01-92	10792		200		TN	SUN	FULL		
CONGRESSIONAL SCORECAR 3.00 IN 6.5000 44.1400 H 8											860.73	
NET OF INVOICE											860.73	
0103850075		11	01-20-93					APPL	CASH	FROM 0125070005 10/23/92		
REFERENCE: 0700-											860.73	
*** BALANCE OF INVOICE											.00	
110000000025716		01	03-06-93	03/93		200		TN				
TRANS TO OTHER INCOME											7.53	
NET OF INVOICE											7.53	

MACON TELEGRAPH PUB. CO.
 P. O. Box 4167
 Macon, Georgia 31213-4199

9 4 0 3 0 9 7 2 3 2 1

94030972323

Columbia prepared for launch

tying laser-reflecting satellite

lay mission is 1.3th
ASA's oldest shuttle

ANASAPAR, Fla. — Columbia performed one of the most delicate maneuvers in the history of NASA's shuttle program as it prepared for launch on the 13th mission of the Space Shuttle Columbia (STS-51-L) on Saturday, Oct. 12. The shuttle was launched from the Kennedy Space Center at 11:14 a.m. EST. The mission was the first of a series of flights for the shuttle, which is being used to test the capabilities of the new vehicle. The shuttle was launched on the 13th mission of the Space Shuttle Columbia (STS-51-L) on Saturday, Oct. 12. The mission was the first of a series of flights for the shuttle, which is being used to test the capabilities of the new vehicle.



it to him
View of Columbia, Maine, shows a pile of
ing a fence a Garden Community in Au-
gible, Maine, on Columbia, Pines works for the
dents a public works department.

ecutor who inspired 'JFK' movie dies

SEARS — John Sears, the 70-year-old president of Sears, Roebuck and Company, died Saturday, Oct. 12, after a long illness. Sears was born in 1912 in Chicago, Ill. He was a member of the Sears, Roebuck and Company family, which has been in business since 1893. Sears was a member of the Sears, Roebuck and Company family, which has been in business since 1893.

who inspired 'JFK' movie dies
John Sears, the 70-year-old president of Sears, Roebuck and Company, died Saturday, Oct. 12, after a long illness. Sears was born in 1912 in Chicago, Ill. He was a member of the Sears, Roebuck and Company family, which has been in business since 1893. Sears was a member of the Sears, Roebuck and Company family, which has been in business since 1893.

An Open Letter to the Voters of the Eighth Congressional District

Eight District Voters:
I am J. Roy Rowland, a member of the Eighth Congressional District. I am writing this letter to you to inform you of the issues that I am running for office on. I am running for office on the issues of the environment, education, and health care. I am running for office on the issues of the environment, education, and health care.

at the bill Mr. Rowland voted AGAINST:

THE GALLERY
FINE ARTS
100% OFF - Main Street
ANNE TUTT GALLERY
100% OFF - Main Street
100% OFF - Main Street

DIXIELAND FARM
We're Bringing in Our Fall Crops
• Apples
• Cabbages
• Carrots
• Potatoes
• Pumpkins
• Squashes
• Tomatoes
• Zucchini
• Cucumbers
• Eggplants
• Peppers
• Onions
• Garlic
• Herbs
• Mushrooms
• Strawberries
• Raspberries
• Blueberries
• Blackberries
• Elderberries
• Huckleberries
• Serviceberries
• Amelanchiers
• Dogwoods
• Magnolias
• Camellias
• Azaleas
• Hydrangeas
• Lilacs
• Forsythias
• Viburnums
• Spirea
• Nandina
• Ligustrum
• Euonymus
• Taxus
• Juniper
• Cypress
• Yew
• Redwood
• Sequoia
• Fir
• Spruce
• Pine
• Cedar
• Hemlock
• Larch
• Tamarac
• White Pine
• Scotch Pine
• Austrian Pine
• Italian Cypress
• Dwarf Cypress
• Dwarf Juniper
• Dwarf Spruce
• Dwarf Fir
• Dwarf Pine
• Dwarf Cedar
• Dwarf Hemlock
• Dwarf Larch
• Dwarf Tamarac
• Dwarf White Pine
• Dwarf Scotch Pine
• Dwarf Austrian Pine
• Dwarf Italian Cypress
• Dwarf Dwarf Cypress
• Dwarf Dwarf Juniper
• Dwarf Dwarf Spruce
• Dwarf Dwarf Fir
• Dwarf Dwarf Pine
• Dwarf Dwarf Cedar
• Dwarf Dwarf Hemlock
• Dwarf Dwarf Larch
• Dwarf Dwarf Tamarac

SPOOKTACULAR VALUE

Mismatched Bedding Sets Starting At \$48 ea	3 Pc. Button Back Living Room Suite \$499
Solid Pine Bunk Beds Starting At \$96	4 Pc. Bedroom Suite \$18
Elegant Sofas Starting At \$99.99	2 Pc. Sectionals W/Recliners \$688
Sleeper Sofas Starting At \$299.99	Queen Size Bedding \$151
3 Piece Living Room Suite Starting At \$259.99	Beautiful Button Tufted Wing Chairs \$14
Bar Stools 30 inch Starting At \$12.95	4 Drawer Chest \$39

COUPONS GOOD THROUGH OCTOBER 31ST

\$10 Off Any \$100 Purchase	\$20 Off Any \$200 Purchase	\$30 Off Any \$300 to \$400 Purchase	\$40 Off Any \$400 to \$500 Purchase
-----------------------------	-----------------------------	--------------------------------------	--------------------------------------

FURNITURE SALVAGE
4880 LOG CABIN DR. • MACON, GA • 474-4448
SHOP MON-FRI 10 AM - 5 PM • SATURDAY 10 AM - 5 PM
NO MONEY DOWN, NO PAYMENTS FOR 30 DAYS, UP TO \$100 INSTANT CREDIT

GOING OUT OF BUSINESS

H. Davis & Sons

WERE \$495 to \$625	Wool Tropical Suits	NOW \$269.95	None High
WERE \$395	Wool Blend Suits	NOW \$239.95	None High
WERE \$350 to \$425	Sport Jackets	NOW \$189.95	None High
WERE \$95	Wool Tropical Slacks	NOW \$59.95	None High
WERE \$125	Wool Gabardine Slacks	NOW \$79.95	None High

Every Single Item Must Go Before We Close Our Doors

ALBANY HERALD PUBLISHING COMPANY, Inc.

PUBLISHERS
THE ALBANY HERALD
THE ALBANY SUNDAY HERALD
PHONE 912 888 9300



126 NORTH WASHINGTON STREET
P. O. BOX 48
ALBANY, GEORGIA
31703-4501

"South Georgia's Metropolitan Daily"

April 16, 1993

Ms. Betty Pitts:

With regard to the ads run
on 10/22, 23 + 29 for Mr. Clyde
Evans.

We no longer have newspapers
for those dates.

Enclosed is our copy of
a check receipt in the
amount of \$968.00 verifying
that the above ads did
run.

Betty -

Thank you and
please call me if
I can be of further
help.

Glenn Bright

94030972324

10 21 92 155338

de Evans

10/22, 29 13 @ 19³⁶
news 10/23, 29

96800

RJR

3400 10/21 92

GHS/ Sun Business

@ 15⁰⁰

3 1/2" news 11/1, 23, 28, 29-11/5

287322

219322

RJR

10 21 92 155339

er Burrell

news 10/25

6247

RJR

3400 10 21 92

J Roy Road and

@ 58/15⁰⁰

3 1/2" news 11/1, 11/2

98060

98060

RJR

10 22 92 155340

Donville Spts Auth.

news 10/25

~~450~~ 48/10841

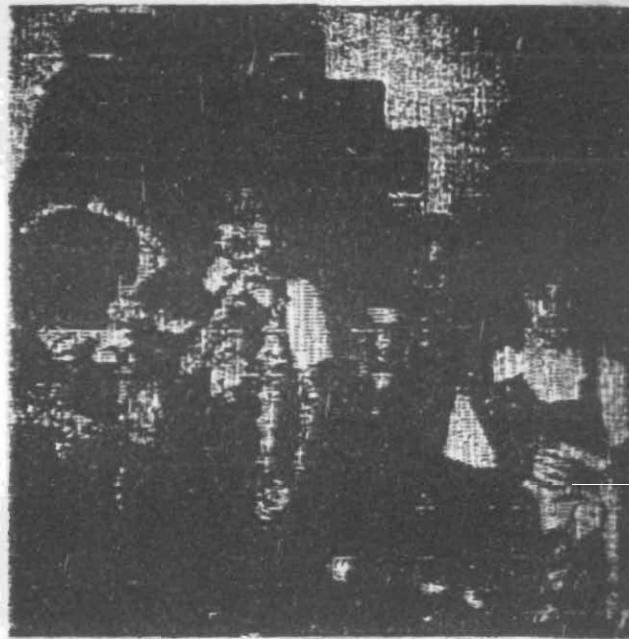
3400 10 21 92

Southern Photo

6" @ 8⁶²

news 10/26

FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT, DISTRICT 2, JUDGE J. L. HARRIS



INVESTITURE/REDEDICATION CEREMONY

ROTARY SPEAKER

Representative from Georgia Power, presents "Power" program kept the Eastman Rotary Club interested and ended, 20,000 volts of electricity danced across the

All Your Hair Care Needs

Girl Scout Brownie Troop #423 had its Investiture/Rededications Ceremony 16th. Brownies Michelle Brown, Amanda Burton and Miranda Williams rededicated themselves to obeying the Girl Scout Promise. Kelly Evans officially became a Brownie by making this same promise to "serve God and (her) country, help people at all times and live by

How Does Your Congressman Vote? Big Spender or Conservative Georgian?

House Votes	Rowland Votes Yes	Yes
Release complete lists on drug dealing at House Post Office (HR 125)		X
Taxpayer funding of needles and syringes to drug addicts (SR 1006)	X	
\$1 Million Outbreak Assistance to Specially Disabled/Highly Sensitive	X	
Debt Tax Indexing		
One Year Rate in Medicare Premiums of \$470/year		
Raise Taxes \$2000 over 5 years for Families Earning \$35,000 (HR 1001)		
Line Item Veto and Reserve Budget Amendment Requiring a 2/3 Majority vote of Each Chamber to Permit Cuts (HR 1001)		X
\$2.8 Million Feasibility Study for the Red River Watershed Project which Corps of Engineers calls "disastrous at best" (HR 1070)		
\$19 Million Road Construction Bonds Never Requested by Pentagon for Camp David (HR 1040)		
\$15 Million Expenditure for Parking Garage in Newark, N.J. (HR 1040)		
Cut Non-Personnel Administrative Cost at each Agency by 15% (HR 1040)		X
Again this year, The National Taxpayers Union, along with "Big Spender" and a "Big Spender" vote		

Ad size 2x6 1/2





Georgia Newspaper Service, Inc.

(Georgia Press Association)
1075 Spring St. N.W. / Atlanta, Georgia 30309 / (404) 872-2467

INVOICE

DATE: 10/23/90

PAGE:

1

TO: Clyde Evans
1321 North Franklin Street
Dublin, GA 31021

CLIENT: Clyde Evans

ORDER:

90111112

NEWSPAPER	DATE	INCHES	RATE	AMOUNT
90mo Wheeler Coun	Deficit Sp 10/31/90	31.50 GPAN	3.78	119.07
90ma Times-Statesm	Deficit Sp 11/01/90	31.50 GPAN	3.20	100.80
90ley News-Banner	Deficit Sp 10/31/90	31.50 GPAN	3.50	110.25
90ckshear Times	Deficit Sp 10/31/90	31.50 GPAN	3.00	94.50
90uglas Enterprise	Deficit Sp 10/31/90	31.50 GPAN	3.00	94.50
90stman Times Jour	Deficit Sp 11/01/90	31.50 GPAN	3.00	94.50
90nton Messenger	Deficit Sp 11/01/90	31.50 GPAN	2.03	63.94
90kston Charlton	Deficit Sp 10/31/90	31.50 GPAN	2.04	64.26
90rsyth Monroe Cou	Deficit Sp 10/31/90	31.50 GPAN	5.30	166.95
90ay Jones County	Deficit Sp 11/01/90	31.50 GPAN	2.40	75.60
90eensboro Herald-	Deficit Sp 11/02/90	31.50 GPAN	2.14	67.41
90azlehurst Jeff Da	Deficit Sp 10/31/90	31.50 GPAN	2.90	91.35
90omerville Clinch	Deficit Sp 11/01/90	31.50 GPAN	1.26	39.69
90rwinton Wilkinson	Deficit Sp 10/31/90	31.50 GPAN	1.68	52.92
90ffersonville Twi	Deficit Sp 10/31/90	31.50 GPAN	2.20	69.30
90uisville News &	Deficit Sp 11/01/90	31.50 GPAN	2.20	69.30
90rae Telfair Time	Deficit Sp 10/31/90	31.50 GPAN	2.50	78.75
90nticello News	Deficit Sp 11/01/90	31.50 GPAN	2.85	89.78
90arce County Pres	Deficit Sp 10/31/90	31.50 GPAN	2.50	78.75
90andersville Progr	Deficit Sp 11/01/90	31.50 GPAN	3.75	118.13
90oporton News	Deficit Sp 10/31/90	31.50 GPAN	3.78	119.07
90rens Jefferson Re	Deficit Sp 11/01/90	31.50 GPAN	2.20	69.30
90rightsville Headl	Deficit Sp 11/01/90	31.50 GPAN	2.75	86.63
90he County News	Deficit Sp 10/31/90	31.50 GPAN	2.35	74.03
90hinson County Ci	Deficit Sp 11/01/90	31.50 GPAN	1.50	47.25
90ublin Courier Her	Deficit Sp 11/01/90	31.50 GPAN	5.74	180.81
90acon Telegraph an	Deficit Sp 11/01/90	31.50 GPAN	28.54	899.01
90illedgeville Unio	Deficit Sp 11/01/90	31.50 GPAN	6.84	215.46
90aycross Journal-H	Deficit Sp 11/01/90	31.50 GPAN	4.89	154.04

*** ADVERTISING TOTAL 3585.35



Georgia Newspaper Service, Inc.

(Georgia Press Association)

1075 Spring Creek W. / Atlanta, Georgia 30309 / (404) 872-2467

INVOICE

DATE: 10/23/90

PAGE: 1

TO: Clyde Evans
1321 North Franklin Street
Dublin, GA 31021

CLIENT: Clyde Evans

ORDER: 90104JJ0

NEWSPAPER		DATE	INCHES	RATE	AMOUNT
Alamo Wheeler Coun	Enough is	10/24/90	12.00 GPAN	3.78	45.36
Alma Times-Statesm	Enough is	10/25/90	12.00 GPAN	3.20	38.40
Baxley News-Banner	Enough is	10/24/90	12.00 GPAN	3.50	42.00
Blackshear Times	Enough is	10/24/90	12.00 GPAN	3.00	36.00
Douglas Enterprise	Enough is	10/24/90	12.00 GPAN	3.00	36.00
Eastman Times Jour	Enough is	10/25/90	12.00 GPAN	3.00	36.00
Euanton Messenger	Enough is	10/25/90	12.00 GPAN	2.03	24.36
Folkston Charlton	Enough is	10/24/90	12.00 GPAN	2.04	24.48
Forsyth Monroe Cou	Enough is	10/24/90	12.00 GPAN	5.30	63.60
Gray Jones County	Enough is	10/25/90	12.00 GPAN	2.40	28.80
Greensboro Herald	Enough is	10/26/90	12.00 GPAN	2.14	25.68
Hazlehurst Jeff Da	Enough is	10/24/90	12.00 GPAN	2.90	34.80
Homerville Clinch	Enough is	10/25/90	12.00 GPAN	1.26	15.12
Irwinville Wilkinso	Enough is	10/24/90	12.00 GPAN	1.68	20.16
Jeffersonville Twi	Enough is	10/24/90	12.00 GPAN	2.20	26.40
Louisville News &	Enough is	10/25/90	12.00 GPAN	2.20	26.40
McRae Telfair Time	Enough is	10/24/90	12.00 GPAN	2.50	30.00
Monticello News	Enough is	10/25/90	18.00 GPAN	2.85	51.30
Pearce County Pres	Enough is	10/24/90	12.00 GPAN	2.50	30.00
Sandersville Progr	Enough is	10/25/90	12.00 GPAN	3.75	45.00
Soperton News	Enough is	10/24/90	12.00 GPAN	3.78	45.36
Wrens Jefferson Re	Enough is	10/25/90	12.00 GPAN	2.20	26.40
Wrightsville Headl	Enough is	10/25/90	12.00 GPAN	2.75	33.00
Dodge County News	Enough is	10/24/90	12.00 GPAN	2.35	28.20
Atkinson County Ci	Enough is	10/25/90	12.00 GPAN	1.50	18.00
Dublin Courier Her	Enough is	10/25/90	12.00 GPAN	5.74	68.88
Milledgeville Unio	Enough is	10/25/90	12.00 GPAN	6.84	82.08
Waycross Journal-H	Enough is	10/25/90	12.00 GPAN	4.89	58.68
Macon Telegraph an	Enough is	10/25/90	12.00 GPAN	28.54	342.48

*** ADVERTISING TOTAL 1382.94

To the People of the 8th Congressional District

In the heat of a political campaign, rumors fly and accusations abound, but once the dust settles, we all have to take stock and evaluate the positions and actions we have taken.

After a great deal of thought in these days just after the recent eighth district congressional race, I think I owe Congressman J. Roy Rowland an apology for any embarrassment I may have caused him or his family by the advertisements I ran during the campaign. This was certainly not my intention, as I have never had any feelings except respect for Congressman Rowland personally, and I have already conveyed this to him.

Now, I think it is in the best interest of everyone concerned and the community (eighth district) as a whole to offer Congressman Rowland our full support and get on with the business at hand of promoting better government as a united community.



Clyde Evans
Dublin, Georgia

94030972330



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20461

JUNE 8, 1993

Ernest F. Jones, Jr.
Ernest Jones and Associates
P.O. Box 927
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.

Dear Mr. Jones:

Enclosed is a copy of the information sheet describing the preliminary procedures the Commission follows for processing complaints. The first paragraph on page 2 describes the request for pre-probable cause conciliation which I mentioned during our phone conversation this morning.

If your clients are interested in pursuing conciliation at this time, please send a request in writing. I will then forward it to the Commission for its consideration.

If you have any questions, please call me at (202) 219-3400.

Sincerely,

A handwritten signature in cursive script, appearing to read "Holly Baker", is written over a horizontal line.

Holly Baker
Attorney

Encl.

94030972331

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

) MUR 3678

Clyde Evans;)

Evans Cabinet Corporation)

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GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 9, 1993, the Commission found that there was reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) and that Evans Cabinet Corporation and Clyde Evans ("Respondents") violated 2 U.S.C. § 441b in regard to certain newspaper ads expressly advocating the defeat of Congressman J. Roy Rowland published during the 1990 and 1992 election campaigns. Subsequent to the Commission's findings, this Office commenced informal discovery with the Respondents, seeking copies of ads run in all newspapers, sources of funds, and other materials pertinent thereto. Attachment 1. Respondents submitted a response. Attachment 2 (supporting documents on file in the Office of the General Counsel). On June 16, 1993, Respondents requested that the Commission enter into pre-probable cause conciliation

II. DISCUSSION

A. Information Obtained

Information obtained through informal discovery indicates that Clyde Evans wrote and paid for the 1990 and 1992 ads in question from a checking account, labeled

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"Special Account," for which he had sole signature authority. Mr. Evans claims that the Special Account is a personal account even though it bears the address of Evans Cabinet Corporation. Invoices and canceled checks from the Special Account reveal that in 1990, Mr. Evans spent \$1,383 on newspaper ads expressly advocating the defeat of Congressman J. Roy Rowland, and that in 1992, he spent \$2,942.¹ These amounts, which aggregate in excess of \$250 during a calendar year, are sufficient to trigger the reporting requirements of 2 U.S.C. § 434(c). Mr. Evans did not file the required statements and reports for either 1990 or 1992.

A review of the ads at issue in this matter indicates that none bore a disclaimer sufficient under 2 U.S.C. § 441d(a). Disclaimers on the ads were: "Paid for by Clyde Evans;" "Clyde Evans, Dublin, GA;" or "Paid for by Clyde Evans, Dublin, GA." Although the disclaimers did not specify that the ads were not authorized by any candidate or candidate's campaign committee as required by the Act, each ad did clearly name Clyde Evans and/or specify his place of residence as Dublin, GA. There is no indication that Mr. Evans sought in any way to conceal his sponsorship of the ads. Cf. MUR 3579 (Concerned Voters) (disclaimer concealed identity of the person who paid for the ad).

1. At the reason to believe stage, the Commission was evenly divided in regard to whether two other ads constituted express advocacy regulable under the Act. Information provided by Mr. Evans indicates that the costs of those other ads were \$3,585 in 1990 and \$2,328 in 1992.

Bank statements pertaining to the Special Account indicate that in addition to payments for the newspaper ads subject to the Act, Mr. Evans also used the Special Account to make contributions to federal candidates. During the period of September and October 1990, he wrote checks totaling \$950 to Bob Cunningham's congressional campaign committees, and during October and November 1992, he wrote checks totaling \$750 to the campaigns of Philip Crane and Paul Coverdell.

During the same periods of time that Mr. Evans was writing checks to make contributions to candidates for federal office and to pay for ads expressly advocating the defeat of a federal candidate, Mr. Evans was depositing in the Special Account certain checks designated "loans" from Evans Cabinet Corporation of which Mr. Evans is Chief Executive Officer. During the relevant period in 1990, the corporate loan proceeds deposited in the Special Account totaled \$29,000, and in 1992, \$110,000. These loan proceeds, although a substantial portion of the funds in the account during the relevant period, were not the only sources of funds for the account. Deposit slips which Mr. Evans provided indicate that funds also were received from such sources as rental property, stock dividends, director's fees,

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and farm income.² Although a financial analysis has not been performed on the Special Account, the presence of corporate funds in the Special Account during the periods when Mr. Evans was making contributions and expenditures to influence federal elections suggests that there is a high probability that Evans Cabinet Corporation made, and Mr. Evans, an officer of Evans Cabinet Corporation, consented to, a corporate contribution in violation of 2 U.S.C. § 441b. However, there is no indication that Mr. Evans put corporate funds into the Special Account solely to influence federal elections. Mr. Evans seems to have intermingled corporate and personal funds in one account to pay for a variety of his expenses, including political activities.³

2. Given the limited scope of the discovery request, the beginning balances of funds in the account cannot be determined. Nevertheless, financial records provided indicate, for example, that during October 1990 about 35% of the account's receipts comprised loans from Evans Cabinet Corp.; in the previous month, loans constituted almost half the funds deposited. In October 1992, loans from Evans Cabinet Corp. comprised about 82% of the total amount deposited.

3. Bank statements provided by Mr. Evans indicate that he wrote checks to pay, for example, his American Express bill, membership dues, and bills for remodeling services; he also wrote checks to family members. The Special Account does not appear to have been used to pay utilities, groceries, clothing, or other household bills, or to pay expenses of Evans Cabinet Corp.

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III. RECOMMENDATIONS

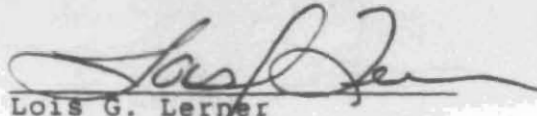
1. Enter into pre-probable cause conciliation with Clyde Evans and Evans Cabinet Corporation.
- 2.

3. Approve the proposed conciliation agreement and appropriate letter.

Lawrence M. Noble
General Counsel

8/23/93
Date

BY:


Lois G. Lerner
Associate General Counsel

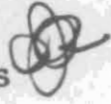
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS 
COMMISSION SECRETARY

DATE: AUGUST 27, 1993

SUBJECT: MUR 3678 - GENERAL COUNSEL'S REPORT
DATED AUGUST 23, 1993.

The above-captioned document was circulated to the
Commission on Tuesday, August 24, 1993 at 11:00 a.m. .

Objection(s) have been received from the
Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	_____
Commissioner Elliott	<u>XXX</u>
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Potter	_____
Commissioner Thomas	_____

This matter will be placed on the meeting agenda
for Tuesday, September 14, 1993 .

Please notify us who will represent your Division before
the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Clyde Evans;) MUR 3678
Evans Cabinet Corporation)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on September 14, 1993, do hereby certify that the Commission took the following actions in MUR 3678:

1. Failed in a vote of 2-3 to pass a motion to
 - A) Enter into pre-probable cause conciliation with Clyde Evans and Evans Cabinet Corporation.
 - B)
 - C) Approve the proposed conciliation agreement and appropriate letter as recommended in the General Counsel's report dated August 23, 1993

(continued)

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2)

Commissioners Aikens and Elliott voted affirmatively for the motion; Commissioners McGarry, Potter, and Thomas dissented; Commissioner McDonald was not present.

2. Decided by a vote of 5-1 to

- A) Enter into pre-probable cause conciliation with Clyde Evans and Evans Cabinet Corporation.
- B)
- C) Approve the proposed conciliation agreement and appropriate letter as recommended in the General Counsel's report dated August 23, 1993.

Commissioners Aikens, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented.

Attest:

9-15-93
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

SEPTEMBER 17, 1993

Mr. Ernest Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road - Box 927
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.

Dear Mr. Jones:

On March 9, 1993, the Federal Election Commission found reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) and that Clyde Evans and Evans Cabinet Corporation violated 2 U.S.C. § 441b. At your request, on September 14, 1993, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission.

If your clients need assistance in preparing the statements and reports, please contact our Information Services division at (202) 219-3420.

In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

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MUR 3678
Ernest Jones
Page 2

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact me at (202) 219-3400.

Sincerely,


Holly J. Baker
Attorney

Enclosure
Conciliation Agreement
Form 5 and informational materials

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RECEIVED
FEDERAL ELECTION COMMISSION

ERNEST JONES AND ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS
1810 BELLEVUE ROAD - BOX 927
DUBLIN, GEORGIA 31040

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PHONE (912) 272-8532

FAX (912) 272-8868

MEMBERS
AMERICAN INSTITUTE AND
GEORGIA SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

October 25, 1993

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, DC 20463

Attention: Holly Baker

RE: Clyde Evans
Evans Cabinet Corporation
MUR 3678

Dear Ms. Baker:

Please find enclosed a copy of the minutes of Evans Cabinet Corporation on October 11, 1977. As you will see, there was a motion made and unanimously approved that the officer - president bonus plan compensation be increased from four percent (4%) to six percent (6%) of gross sales per annum effective January 1, 1978 and for future years. The bonus plan compensation is in addition to his present basic salary. Each month on Evans Cabinet Corporation's books, the liability is accrued at six percent (6%) of gross sales.

During a year, the officer - president and some employees of the company will borrow money from the corporation and this is classified as Employee Loans. Every loan is repaid by everyone. Prior to or during December of each year the officer - president pays his loan and the corporation pays him what is owed to him.

Clyde Evans has two bank accounts set up - Clyde Evans - Farm and Clyde Evans - Special. These two bank accounts have been in existence for twenty-five years. The special account has not recently been opened to pay bills for campaign expenditures. It was not set up for the purpose of paying these bills.

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During the period September, 1990 thru December, 1990, personal income for rent and dividends were deposited to Special Bank Account as follows:

September, 1990
Rent and Dividends Income

October, 1990
Rent and Dividends Income
Rent and Dividends Income

November, 1990
Rent and Dividends Income
Rent and Dividends Income

December, 1990
Rent and Dividends Income
Rent and Dividends Income
Rent and Dividends Income
Rent and Dividends Income

During the period for October, 1992, personal income for rent and dividends were deposited to Special Bank Account as follows:

October, 1992
Rent and Dividends Income
Rent and Dividends Income
Rent and Dividends Income
Rent and Dividends Income

As you can readily see, there were adequate personal funds deposited in the Special Account to pay for the cost of the ads.

Despite the fact that loan proceeds from Evans Cabinet Corporation totaling \$29,000.00 during the period September through December, 1990 and totaling \$110,000.00 during October, 1992, you can see that adequate personal money was deposited in the account in order to pay for the cost of the ads. (These loans in reality were paying his 6% commission).

These loan proceeds were paid back to Evans Cabinet Corporation at the end of 1990 and the end of 1992 when he received his bonus plan compensation. However, the liability owed to Clyde Evans at the end of each of these years were greater than \$29,000.00 and \$110,000.00.

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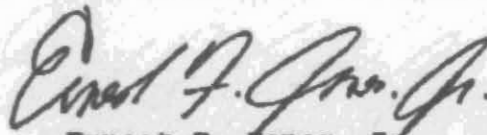
No monies from Evans Cabinet Corporation paid for any campaign expenditures. Everything was paid for by personal money.

I certainly hope you will see that Evans Cabinet Corporation did not participate in any way in this campaign matter.

If I can be of further assistance on this matter, please feel free to call me.

Yours truly,

ERNEST JONES AND ASSOCIATES



Ernest F. Jones, Jr.
Certified Public Accountant

EFJJR/sj
Enclosures

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MINUTES OF MEETING OF BOARD OF DIRECTORS

The Board of Directors of Evans Cabinet Corporation convened at the office of the Corporation on the date of these minutes pursuant to a due and appropriate notice of said meeting to each and all of the directors of the Corporation. All of the directors of the Corporation to wit:

Henry Clyde Evans
M. L. Knight, and
Ted Waites

were present at the meeting.

The president of said Corporation presented to the Board of Directors copies of previous minutes, sales reports, accounts receivable, accounts payable and profit and loss statement whereupon the Board of Directors considered and discussed all of these reports.

On a motion duly made and seconded and unanimously approved by all present, it was decided that the officer - president bonus plan compensation be increased from four percent (4%) to six percent (6%) of gross sales per annum effective January 1, 1978, and future years until revised, modified or rescinded by the Board of Directors. The officer - president bonus plan compensation is in addition to his present basic salary. The officer - president bonus plan compensation increase was proposed and passed by the directors of the Corporation due to his added responsibilities brought on by the death of a former active officer director. The officer - president bonus plan compensation is payable as soon as administratively feasible following the determination of said corporation's annual sales.

The president, Henry Clyde Evans, reminded all directors of the next monthly meeting to be held November 8, 1977.

Thereupon, the meeting was adjourned this 11th day of October, 1977.


Lousue K. Evans, Secretary

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
) MUR 3678
Clyde Evans; Evans)
Cabinet Corporation)

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On March 9, 1993, the Commission found that there was reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) and that Evans Cabinet Corporation and Clyde Evans ("Respondents") violated 2 U.S.C. § 441b in regard to certain newspaper ads expressly advocating the defeat of Congressman J. Roy Rowland published during the 1990 and 1992 election campaigns. Subsequent to the Commission's findings, this Office commenced informal discovery with the Respondents, seeking copies of ads run in all newspapers, sources of funds, and other materials pertinent thereto. Respondents submitted a response. On June 16, 1993, Respondents requested that the Commission enter into pre-probable cause conciliation

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After numerous phone conversations with staff of this Office, on November 9, 1993, Respondents submitted additional information about the corporate monies in Clyde Evans' "Special Account" from which Mr. Evans wrote checks to pay for his political activities.

This report contains recommendations to assure that this matter conforms to the court's opinion in FEC v. NRA Political Victory Fund, No. 91-5360 (D.C.Cir. Oct. 22, 1993).

II. RECOMMENDED ACTIONS IN LIGHT OF FEC v. NRA

Consistent with the Commission's November 9, 1993 decisions concerning compliance with the NRA opinion, and based on the complaint filed in this matter and the responses thereto, this Office recommends that the Commission 1) revoke the reason to believe findings that Clyde Evans and Evans Cabinet Corporation violated 2 U.S.C. § 441b and that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a); 2) approve the factual and legal analysis that was attached to the First General Counsel's Report dated February 19, 1993; and 3) revoke the determination to enter into pre-probable cause conciliation with Clyde Evans and Evans Cabinet Corporation. For the Commission's information, this Office has attached

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the certifications dated March 9, 1993 and September 15, 1993.

III. ANALYSIS

Respondents object to the Commission's finding that Evans Cabinet Corporation violated 2 U.S.C. § 441b by making loans to Clyde Evans who subsequently deposited the loan proceeds into a checking account denoted "Special Account" and imprinted with the corporate address. This checking account has "been in existence for twenty-five years" and "has not recently been opened to pay bills for campaign expenditures." Respondents explain that in addition to his salary, Mr. Evans receives "bonus plan compensation" of 6% of gross sales per year accrued each month on the Corporation's books. Mr. Evans also takes out "loans" from the Corporation which he repays at the end of the year:

During the year, the officer-president [Clyde Evans] and some employees of the company will borrow money from the corporation and this is classified as Employee Loans. Every loan is repaid by everyone. Prior to or during December of each year the officer-president pays his loan and the corporation pays him what is owed to him.

Respondents' representative states that Mr. Evans repaid the "loans" of \$29,000 and \$110,000, which were deposited into the Special Account during the relevant periods, "at the end of 1990 and the end of 1992 when he received his bonus plan compensation. However, the liability owed to Clyde Evans at the end of each of these years were [sic] greater than the \$29,000.00 and \$110,000.00."

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Moreover, Respondents contend that "[t]hese loans in reality were paying his 6% commission."

Respondents have provided no records, other than minutes of a 1977 board meeting in which Mr. Evans' bonus was raised from 4% to 6% (Attachment 1 at 4), to support their representations of the financial transactions between Mr. Evans and the Corporation.

Despite Respondents' contention that the loans were actually Mr. Evans' bonus compensation, the information supplied does not dispel the original characterization of the funds as corporate loans which Mr. Evans deposited into his Special Account and used to pay for political activities, a prima facie violation of § 441b. The information about the loans clearly indicates that the Special Account was not a nonrefundable corporate drawing account which the Commission regards as personal rather than as corporate monies and that the Corporation retained control over the funds which were carried on the books as "employee loans" and designated as "loans" from Evans Cabinet Corporation on the copies of deposit slips supplied to the Commission.

The information does, however, serve to mitigate the seriousness of the § 441b violation against Evans Cabinet Corporation. The Corporation did not play any role in determining how Mr. Evans spent the money loaned to him. Further, there is no indication that the Corporation sought to inject money into the federal electoral process. In choosing to operate its bonus compensation plan as a "loan"

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system squared on the books at the end of the year, the Corporation has run afoul of the Act. Because of the interest of the Commission in keeping corporate money out of the process except under certain defined circumstances, (e.g., costs of operating separate segregated funds, communications to the restricted class, and nonprofit corporations of the MCFL type), this Office recommends that the Commission not drop the § 441b violation against Evans Cabinet Corporation.

This Office will notify the Committee of the Commission's actions, and given the unique circumstances engendered by the NRA decision, conciliation negotiations will be limited to a maximum of 30 days.

IV. RECOMMENDATIONS

1. Find reason to believe that Clyde Evans and Evans Cabinet Corporation violated 2 U.S.C. § 441b and that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a).
2. Approve the Factual and Legal Analysis that was attached to the First General Counsel's Report dated February 19, 1993.
3. Enter into conciliation with Clyde Evans and Evans Cabinet Corporation prior to a finding of probable cause to believe.

4. Approve the attached conciliation agreement and the appropriate letter.

Lawrence M. Noble
General Counsel

12/3/93
Date

BY:

Lois G. Lerner
Associate General Counsel

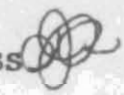
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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/BONNIE J. ROSS 
COMMISSION SECRETARY

DATE: DECEMBER 9, 1993

SUBJECT: MUR 3678 - GENERAL COUNSEL'S REPORT
DATED DECEMBER 3, 1993.

The above-captioned document was circulated to the
Commission on Monday, December 6, 1993 at 11:00 a.m.

Objection(s) have been received from the
Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	<u>XXX</u>
Commissioner Elliott	<u>XXX</u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Potter	<u> </u>
Commissioner Thomas	<u>XXX</u>

This matter will be placed on the meeting agenda
for Wednesday, December 15, 1993.

Please notify us who will represent your Division before
the Commission on this matter.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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December 10, 1993

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LL*
Associate General Counsel

SUBJECT: MUR 3678

The General Counsel's Report dated December 3, 1993 in this matter will be considered by the Commission at its Executive Session of December 15, 1993. This Office submits the attached document on an informational basis to aid the Commission's consideration of the matter.

In the General Counsel's Report dated December 3, 1993, this Office recommended the Commission approve the original Factual and Legal Analysis that was attached to the First General Counsel's Report dated February 19, 1993. For the Commission's information, we are attaching the Factual and Legal Analysis that reflects the Commission's findings of March 9, 1993 (see Certification) and that was sent to Respondents.

Attachment
Factual and Legal Analysis

Staff Assigned: Holly Baker

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Clyde Evans
Evans Cabinet Corporation

MUR: 3678

This matter was generated by a complaint from Maryscott Greenwood, Executive Director, Democratic Party of Georgia, filed on October 28, 1992, against Clyde Evans and Evans Cabinet Corporation ("Corporation"). The complaint concerns negative newspaper advertisements about Congressman J. Roy Rowland, in both the 1990 and 1992 general elections, listed as paid for by Clyde Evans. In both 1990 and 1992, Mr. Rowland defeated Robert Cunningham. In 1990, Mr. Rowland garnered 69% of the vote to Mr. Cunningham's 31%, and in 1992, Mr. Rowland won with 56% to 44% of the vote.

A. The Law

The Federal Election Campaign Act of 1971, as amended (the "Act") defines "independent expenditure" as an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or candidate's authorized committee and which is not made in concert with, or at the request or suggestion of, any candidate or authorized committee. 2 U.S.C. § 431(17). The Act provides that every person who makes independent expenditures of more than \$250 during a calendar year must file a statement with the Commission, including a certification indicating whether the independent expenditure

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is made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or political committee. 2 U.S.C. § 434(c). Moreover, the Act provides that any independent expenditure aggregating \$1,000 or more made after the 20th day, but more than 24 hours, before any election must be reported within 24 hours after the expenditure is made. Id. When a person independently finances a communication expressly advocating the defeat of a clearly identified candidate through a general circulation newspaper, the person must include on the ad a disclaimer clearly stating the name of the person who paid for the communication and stating that the communication is "not authorized by any candidate or candidate's committee." See 2 U.S.C. § 441d(a). Under the Act, the term "person" includes a corporation as well as an individual. 2 U.S.C. § 431(11).

Under § 441b of the Act, a corporation is explicitly prohibited from making any contribution or expenditure in connection with a federal election, and it is unlawful for any person knowingly to accept or receive any contribution prohibited by 2 U.S.C. § 441b. The Act also declares it unlawful for any officer or any director of any corporation to consent to any contribution or expenditure by the corporation which is prohibited under 2 U.S.C. § 441b. Any person who enters into a contract with the federal

government is prohibited from making, directly or indirectly, any contribution for any political purpose. 2 U.S.C. § 441c(a).

B. Allegations

Complainant alleges that Mr. Evans and Evans Cabinet Corporation violated various provisions of the Act by running negative political advertisements in local newspapers against Congressman J. Roy Rowland in both 1990 and 1992. Specifically, Complainant alleges that Clyde Evans failed to report independent expenditures to the Commission, failed to file the required certification that his expenditures were independent, and failed to include the non-authorization disclaimer on the ads. Complainant further alleges that Mr. Evans is the sole-proprietor of Evans Cabinet Corporation, that the Corporation may be a federal government contractor, and that Mr. Evans, as sole-proprietor, in using his personal funds to pay for the ads may be violating the Act.

C. Response

In his response, Mr. Evans states that he ran the ads as an individual and paid for them out of his personal funds for the purpose of making "people aware of the candidates [sic] status and views for the people in the Eighth District." He states that he "did not intentionally fail to report the expenditures" Rather, he says that he was "not aware" he had to report his expenditures to the Commission, and he apologizes for not filing reports

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including the required certification. He admits that his advertisements did not contain the non-authorization disclaimer, and he gives as his reason the fact that the ads "were not authorized by anyone." He further explains, "I placed all ads as an individual."

In his response, Mr. Evans denies that he is the sole-proprietor of Evans Cabinet Corporation. Rather, he states that he is an employee and stockholder of Evans Cabinet Corporation, which is a Georgia corporation; that he paid for the ads from a personal account; and that the Corporation did not expend any corporate funds. Mr. Evans supplied canceled checks, two relating to 1990 and eight relating to 1992. All of the checks are drawn on the same account with payor information listed as: Clyde Evans, Special Account, 1321 N. Franklin St., Dublin, GA 31021.

D. Discussion

1. Express Advocacy

Mr. Evans claims that his purpose in placing the ads was to inform the people of the 8th congressional district about Mr. Rowland's views, and hence, the ads are not regulable under the Act. Analysis of the ads submitted with the complaint, however, yields the alternative conclusion that the ads do constitute express advocacy and fall within the scope of the Act.¹

1. The Commission was unable to agree on whether the 1992 ad entitled "How Does Your Congressman Vote?" and the 1990 ad entitled "Deficit Spending" required disclaimers under the Act.

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Complainant submitted copies of four ads placed in local newspapers on either October 24 or October 25, 1990, approximately one week before the 1990 general election. Although differing slightly from one another in typeset and format, all the 1990 ads at hand convey the same message. They all bear the headline "Enough Is Enough!" and explicitly mention J. Roy Rowland. The body of the ad has two columns labeled "J. Roy Says" and "J. Roy Does." The ad contrasts Mr. Rowland's statements supporting a balanced budget with his voting for a congressional pay raise, an increase in the national debt limit, and a budget that contained deficit spending and tax increases.

Complainant also submitted ads for 1992, all running on October 22, 1992, approximately a week before the general election. The ads that appeared in the Albany Herald and Coffee County Enterprise are essentially the same except that the latter is styled as, and entitled, "An Open Letter to the Voters of the Eighth Congressional District." The introductory text reads as follows:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go.

The ad then cites examples of Mr. Rowland's voting record, contrasting the costly bills Mr. Rowland voted for with only one he voted against. Then the ad concludes: "The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record."

There may be other ads, in addition to those brought to the Commission's attention, that Mr. Evans paid for in 1990 and 1992. Mr. Evans enclosed copies of eight checks from 1992, each made out to a separate newspaper. It is impossible to determine from the information submitted how many ads of what types appeared in which newspapers.

Consideration of content and context of the ads submitted with the complaint leads to the conclusion that the ads from both 1990 and 1992 fall within the express advocacy standard established by the Commission and the courts and hence are regulable under the Act. See 2 U.S.C. § 441d; Buckley v. Valeo, 424 U.S. 1, 80 (1976); Federal Election Com'n v. Furgatch, 807 F.2d 857, 864 (9th Cir. 1987), cert. denied, 484 U.S. 850 (1987); Advisory Opinion 1992-23.

The express advocacy standard was established by the Supreme Court in Buckley v. Valeo, 424 U.S. 1, 80 (1976). There, the Court held that only communications that included explicit words of advocacy of election or defeat of a clearly identified candidate would be subject to the Act's

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expenditure rules. Buckley, 424 U.S. at 43. The Court gave as examples of express advocacy: "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Id. at 44, n. 52. The Court developed the standard to permit the discussion of public issues that also were campaign issues. Id. at 42.

Subsequent court decisions have retained the distinction between issue discussion and electoral advocacy established by Buckley, but they also have held that the scope of express advocacy is not limited to the catch phrases given as examples in Buckley. See Federal Election Com'n v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986); Federal Election Com'n v. Furgatch, 807 F.2d 857, 862-864 (9th Cir.), cert. denied, 484 U.S. 850 (1987) (negative ad about Jimmy Carter placed three days before the general election, saying "Don't let him do it," expressly advocates the defeat of Jimmy Carter).

The Furgatch court noted that limiting a finding of express advocacy to the "magic words" or "their nearly perfect synonyms" would "preserve the First Amendment right of unfettered expression only at the expense of eviscerating" the Act. Furgatch, 807 F.2d at 863. Independent campaign spenders "could remain just beyond the reach of the Act by avoiding certain key words while conveying a message that is unmistakably directed to the election or defeat of a named candidate." Id. The court concluded that speech will be express advocacy under the Act when "read as a whole, and

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with limited reference to external events," it is "susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." Id. at 864. In Advisory Opinion 1992-23, the Commission, applying Furgatch, found that ads satirizing the voting record of Congressman Beryl Anthony of Arkansas and run in close proximity to the date of the election were express advocacy for purposes of the Act based on their content and timing. 2 Fed. Election Camp. Fin. Guide (CCH), ¶ 6064 at pp. 11,822-23 (Aug. 10, 1992).

In this case, Mr. Evans' ads sharply attack Mr. Rowland's voting record and characterize Mr. Rowland negatively as a "big spender." The 1990 ads bear the headline, "Enough Is Enough!," and the 1992 ads conclude that in a "tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go." The ads ran approximately one week before the general elections in both 1990 and 1992. Although Mr. Evans' ads refer to a variety of issues of public concern (e.g., Congressional Post Office scandal; check bouncing scandal; congressional pay raises; national debt), the ads' content and timing preclude a finding that the ads constitute only issue discussion. See, MCFL, 479 U.S. at 249; Advisory Opinion 1992-23. Rather, the ads appear to fit squarely within the parameters for express advocacy established by the courts and the Commission.

The ads also appear to be independent expenditures of Clyde Evans. The complaint makes no allegation that

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Mr. Evans acted in cooperation with any candidate or political committee, though it does allege that Mr. Evans did not file the required certification establishing independence. Mr. Evans claims that he paid for the ads as an individual and that they "were not authorized by anyone." Mr. Evans did contribute \$800 to Mr. Rowland's opponent, Robert Cunningham, in 1990 and \$1,000 in 1992. However, there is no evidence at hand to conclude that Mr. Evans acted other than independently.

Thus, based on the complaint and the information on hand, the ads here at issue qualify as independent expenditures regulable under the Act. As independent expenditures, the ads are subject to both the reporting and disclaimer provisions of the Act.

2. Reporting

As an independent campaign spender, Mr. Evans is required by the Act to file specified reports with the Commission, and Mr. Evans admits that he did not file any of the required reports. Although he claims ignorance of the law and apologizes for his failure, the fact remains that he did not report expenditures whose disclosure were consequently withheld from the public before the general elections in 1990 and 1992. The canceled checks indicate that Mr. Evans made two expenditures aggregating \$4,968.29 after the twentieth day before the election in 1990 (10-18-90: \$4,215.20; 10-22-90: \$753.09). His canceled checks for 10-20-92 reveal eight expenditures for a total of

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\$5,321.25 after the twentieth day before the 1992 general election.

3. Disclaimer

Mr. Evans also admits that he did not include the non-authorization disclaimer. Copies of the ads submitted with the complaint clearly indicate the lack of the disclaimer, although the ads do conspicuously state that they were "paid for by Clyde Evans" (and variants: "paid for by Clyde Evans - a concerned citizen of Dublin, GA"; "paid for by Clyde Evans - Dublin, GA"). Even though Mr. Evans revealed the source of payment for the ads and seems to have a genuine confusion of what the disclaimer provision requires, he nonetheless has not complied with the disclaimer provision of the Act.

4. Evans Cabinet Corporation

Mr. Evans' response also clarifies the legal classification of the Evans Cabinet Corporation. The Corporation is a corporation and not a sole-proprietorship as the Complainant asserts. Thus, the Complainant's allegation that Mr. Evans violated the Act as the sole-proprietor lacks merit.

However, the canceled checks for the ads that Mr. Evans supplied bear the address of Evans Cabinet Corporation though not the corporate name. Mr. Evans claims he paid for the ads from personal funds, but the corporation's address printed under "Clyde Evans, Special Account" raises a question of whether the checks were drawn on Mr. Evans' personal account

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or on an account of Evans Cabinet Corporation. Mr. Evans is the Chief Executive Officer of Evans Cabinet Corporation, and Lousue Evans, the only other officer, is Chief Financial Officer and Secretary. (Georgia Corporations Division). Mr. Evans indicated in a phone conversation on January 12, 1993 that the corporate account has a different account number and is drawn on a different bank than the "special account" used to pay for the ads, and he provided a copy of two blank corporate checks bearing that information. The information Mr. Evans has provided, however, does not resolve the issue of the source of funds for the ads and so a limited investigation of the bank account is necessary.

Therefore, there is reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a). There is also reason to believe that Evans Cabinet Corporation violated 2 U.S.C. § 441b and that Clyde Evans violated 2 U.S.C. § 441b by consenting to any such corporate contribution.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
F.E.C.
SECRETARIAT

94 JAN 21 PM 12:22

January 21, 1994

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner *LP*
Associate General Counsel

SUBJECT: MUR 3678 -- Substitute Recommendations

SENSITIVE
JAN 25 1994
EXECUTIVE SESSION

As per the discussion at the Executive Session on January 11, 1994, this Office is submitting reformatted recommendations to aid the Commission's consideration of the General Counsel's Report dated December 3, 1993. The recommendations below are in lieu of the recommendations at pages 5 and 6 of that Report. The format follows the certification of the Commission's votes on March 9, 1993 with respect to the §§ 434(c) and 441d(a) violations.

RECOMMENDATIONS

1. Find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Albany Herald on October 22, 1992.
2. Find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Coffee County Enterprise on October 22, 1992.
3. Find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Macon Telegraph on October 22, 1992.
4. Find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the four ads headed, "Enough is Enough!!!"
5. Find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad headed, "Deficit Spending."

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MUR 3678

Page 2

6. Find reason to believe that Clyde Evans violated 2 U.S.C. § 441b.

7. Find reason to believe that Evans Cabinet Corporation violated 2 U.S.C. § 441b.

8. Approve the Factual and Legal Analysis attached to the First General Counsel's Report dated February 19, 1993.

9. Enter into conciliation with Clyde Evans prior to a finding of probable cause to believe.

10. Enter into conciliation with Evans Cabinet Corporation prior to a finding of probable cause to believe.

11. Approve the conciliation agreement attached to the General Counsel's Report dated December 3, 1993.

Attorney assigned: Holly Baker

94030972367

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3678
Clyde Evans;)
Evans Cabinet Corporation)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on January 25, 1994, do hereby certify that the Commission took the following actions in MUR 3678:

1. Decided by a vote of 4-2 to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Albany Herald on October 22, 1992.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

2. Decided by a vote of 4-2 to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Coffee County Enterprise on October 22, 1992.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

(continued)

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3. Failed in a vote of 3-3 to pass a motion to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad which appeared in the Macon Telegraph on October 22, 1992.

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion; Commissioners Aikens, Elliott, and Potter dissented.

4. Decided in a vote of 5-1 to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the four ads headed, "Enough is Enough!!!"

Commissioners Aikens, Elliott, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Potter dissented.

5. Failed in a vote of 3-3 to pass a motion to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) with respect to the ad headed, "Deficit Spending."

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion; Commissioners Aikens, Elliott, and Potter dissented.

(continued)

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6. Decided by a vote of 4-2 to take the following actions:

- a) Find reason to believe that Clyde Evans violated 2 U.S.C. § 441b.
- b) Find reason to believe that Evans Cabinet Corporation violated 2 U.S.C. 441b.

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

7. Decided by a vote of 5-1 to approve the appropriate Factual and Legal Analysis consistent with the actions noted above.

Commissioners Aikens, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented.

(continued)

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8. Decided by a vote of 4-2 to take the following actions:
- a) Enter into conciliation with Clyde Evans prior to a finding of probable cause to believe.
 - b) Enter into conciliation with Evans Cabinet Corporation prior to a finding of probable cause to believe.
 - c) Approve the conciliation agreement attached to the General Counsel's Report dated December 3, 1993,

Commissioners McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioners Aikens and Elliott dissented.

Attest:

1-28-94
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

94030972371



FEDERAL ELECTION COMMISSION

FEBRUARY 2, 1994

Ernest F. Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
P.O. Box 927
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.

Dear Mr. Jones:

On March 9, 1993, the Federal Election Commission found reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) and that Evans Cabinet Corporation and Clyde Evans violated 2 U.S.C. § 441b, and subsequently entered into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

As you may be aware, on October 22, 1993, the D.C. Circuit declared the Commission unconstitutional on separation of powers grounds due to the presence of the Clerk of the House of Representatives and the Secretary of the Senate or their designees as members of the Commission. FEC v. NRA Political Victory Fund, No. 91-5360 (D.C. Cir. Oct. 22, 1993). Since the decision was handed down, the Commission has taken several actions to comply with the court's decision. While the Commission petitions the Supreme Court for a writ of certiorari, the Commission, consistent with that opinion, has remedied any possible constitutional defect identified by the Court of Appeals by reconstituting itself as a six member body without the Clerk of the House and the Secretary of the Senate or their designees. In addition, the Commission has adopted specific procedures for revoting or ratifying decisions pertaining to open enforcement matters.

In this matter, on January 25, 1994, the Commission revoted to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a) and that Evans Cabinet Corporation and Clyde Evans violated 2 U.S.C. § 441b. On

94030972372

Ernest Jones re: Clyde Evans; Evans Cabinet Corp.
Page 2

that same date, the Commission voted to approve the Factual and Legal Analysis previously mailed to you. You should refer to that document for the basis of the Commission's decision. If you need an additional copy, one will be provided upon request.

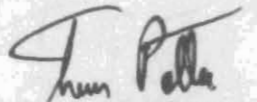
Furthermore, the Commission revoted to enter into conciliation negotiations prior to a finding of probable cause to believe. The Commission also approved the enclosed conciliation agreement.

If your clients agree with the provisions of the enclosed agreement, please sign and return it to the Commission. Please make the check for the civil penalty payable to the Federal Election Commission.

Given the unique circumstances engendered by the NRA decision, conciliation negotiations, prior to a finding of probable cause to believe, will be limited to a maximum of 30 days.

If you have any questions, please contact Holly Baker, the attorney assigned to this matter, at (202) 219-3400.

For the Commission,


Trevor Potter
Chairman

Enclosure
Conciliation Agreement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEBRUARY 8, 1994

Mr. Ernest Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.


Dear Mr. Jones:

Thank you for your phone call of February 8, 1994 in which you indicated that your clients will sign the conciliation agreement sent to you on February 2, 1994.

As you requested, enclosed are several copies of Form 5, the form Mr. Evans should use to report his independent expenditures. Also enclosed is an informational brochure about independent expenditures. If you have any questions about or need assistance in filling out the forms, please contact the FEC's Information Division at 1-800-424-9530.

If you have any questions about the conciliation agreement, please contact me at (201) 219-3400.

Sincerely,


Holly J. Baker
Attorney

Enclosures
Form 5 and brochure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
F.E.C.
SECRETARIAT

94 FEB 17 AM 9:57

February 17, 1993

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois Lerner *LL*
Associate General Counsel

SUBJECT: MUR 3678 (Clyde Evans)
Information

SENSITIVE

On January 25, 1994, the Commission revoted, inter alia, to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) in regard to certain ads placed in Georgia newspapers. The copy of the Albany Herald ad that the complainant supplied appeared to have had the heading cut off, and the Chairman voted to find that ad regulable under the Act on the assumption that it had the same heading as the Coffee County Enterprise ad. Attached for the Commission's information is a copy of the complete ad that was published in the Albany Herald in October 1992. Both ads do have the same heading: "An Open Letter to the Voters of the Eighth Congressional District."

Attachment
Copy of ad

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2

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1992

Albany Herald
Oct 22, 1992
p. A-2

it's a mental ward," Six Flags spokeswoman Terrie Ward said. "We're glad they brought this to our attention. No offense was ever intended."

Ron Schwarz, an Atlanta veterinarian who kicked off the dispute after visiting the "asylum" last weekend, said he was happy to hear of the changes.

An Open Letter to the Voters of the Eighth Congressional District

Dear Eighth District Voter:

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go. Consider the following which J. Roy voted FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 trillion
HJR 2939	Foreign Assistance Program Funding	\$14.6 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 706	1990 Budget Deficit Increase	\$99 billion
HR 3024	National Debt Limit Increase	\$70 billion
HR 2990	Funding Increase for Departments of Labor, Health and Education	\$87.7 billion
HR 3402	Foreign Aid to Poland and Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$78,500 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
	Deficit Increase for 1993	\$327 billion
HR 5260	Unemployment Benefits Extension	\$5.8 billion

New look at the bill Mr. Rowland voted AGAINST:

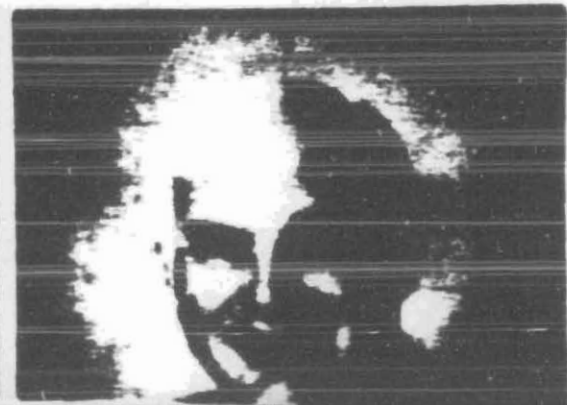
Bill	Item	Amount Saved
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely
Clyde Evans
A Concerned Citizen

PAID FOR BY CLYDE EVANS

The Hollis Eye In



Is Proud To
The Assoc
Gary M. I

Dr. Levin special
Glaucoma, Pedia
Diabetic Retinop

ERNEST JONES AND ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS
1810 BELLEVUE ROAD - BOX 927
DUBLIN, GEORGIA 31040

RECEIVED
FEDERAL ELECTION
COMMISSION
MAIL ROOM

MAR 14 11 02 AM '94

PHONE (912) 272-6532

FAX (912) 272-6868

MEMBERS
AMERICAN INSTITUTE AND
GEORGIA SOCIETY OF
CERTIFIED PUBLIC ACCOUNTANTS

March 8, 1994

Office General Council
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RE: MUR 3678
Clyde Evans

Gentlemen:

Please find enclosed the signed Conciliation Agreement on Clyde Evans, MUR 3678 along with a check in the amount of \$2,500.00 for the civil penalty charged.

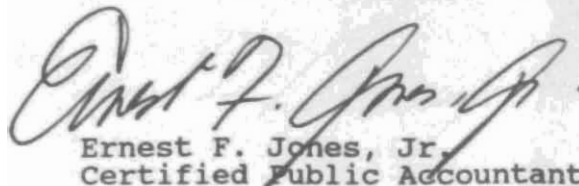
Also enclosed is a Report of Independent Expenditures and Contributions Received for the period October 16, 1990 thru December 31, 1990 and the period October, 1992 thru December, 1992.

Our client does agree with the provisions of the agreement and hopes that the matter is settled.

If you have any questions, please call Ernest F. Jones, Jr., Certified Public Accountant, 912-272-6532.

Yours truly,

ERNEST JONES AND ASSOCIATES


Ernest F. Jones, Jr.
Certified Public Accountant

EFJJR/sj
Enclosures

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RECEIVED
FEDERAL ELECTION
COMMISSION
MAR 14 4 44 PM '94

CLYDE EVANS
SPECIAL ACCOUNT

P O BOX 548
DUBLIN, GA 31021

310

PAY TO THE
ORDER OF

Federal Election Commission \$ *2500.00*

Two thousand five hundred and no/100 DOLLARS

☒ BANK

or DUDLEY
Post Office Box 7, Dudley, Georgia 31022

FOR *Bill Parry*

Clyde Evans

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F.E.C.
SECRETARIAT

94 MAR 18 AM 9:42

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Clyde Evans; Evans Cabinet Corp.) MUR 3678

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed by Clyde Evans, Chief Executive Officer of Evans Cabinet Corp. Attachment 1.

The attached agreement contains no changes from the agreement approved by the Commission on January 25, 1994. A check for the civil penalty has been received, Attachment 2, and the required disclosure forms, Attachment 3, have been placed on the public record.

II. RECOMMENDATIONS


1. Accept the attached conciliation agreement with Clyde Evans and Evans Cabinet Corp.
2. Close the file.
3. Approve the appropriate letter.

Lawrence M. Noble
General Counsel

Date

3/12/94

BY:


Lois G. Lerner
Associate General Counsel

Attachments

1. Conciliation Agreement
2. Photocopy of civil penalty check
3. Disclosure Forms

Attorney Assigned: Holly J. Baker

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Clyde Evans;)

Evans Cabinet Corporation.)

MUR 3678

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 23, 1994, the Commission decided by a vote of 5-0 to take the following actions in MUR 3678:

1. Accept the conciliation agreement with Clyde Evans and Evans Cabinet Corporation, as recommended in the General Counsel's Report dated March 17, 1994.
2. Close the file.
3. Approve the appropriate letter, as recommended in the General Counsel's Report dated March 17, 1994.

Commissioners Elliott, McDonald, McGarry, Potter, and Thomas voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

3-23-94

Date

for Marjorie W. Emmons
Secretary of the Commission

Received in the Secretariat: Fri., Mar. 18, 1994 9:42 a.m.
Circulated to the Commission: Fri., Mar. 18, 1994 12:00 p.m.
Deadline for vote: Wed., Mar. 23, 1994 4:00 p.m.

bjr

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Maryscott Greenwood
Democratic Party of Georgia
1100 Spring Street
Suite 420
Atlanta, GA 30309

RE: MUR 3678

Dear Ms. Greenwood:

This is in reference to the complaint you filed with the Federal Election Commission on October 28, 1992, concerning Clyde Evans and Evans Cabinet Corporation.

The Commission found that there was reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c), 441b, and 441d(a), and that Evans Cabinet Corporation violated 2 U.S.C. § 441b, provisions of the Federal Election Campaign Act of 1971, as amended, and conducted an investigation in this matter. On March 23, 1994, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on March 23, 1994. A copy of this agreements is enclosed for your information.

Statements of Reasons concerning certain of the advertisements, which you submitted as part of your complaint but which were not included in the Commission's findings, will follow under separate cover.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Holly J. Baker

Holly J. Baker
Attorney

Enclosure
Conciliation Agreement

94030972381



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

MARCH 28, 1994

Ernest F. Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.

Dear Mr. Jones:

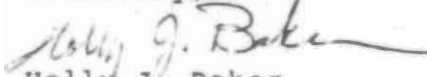
On March 23, 1994, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your clients' behalf in settlement of a violation of 2 U.S.C. §§ 434(c), 441d(a), and 441b, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. In addition, although the complete file must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the file may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 219-3400.

Sincerely,


Holly J. Baker
Attorney

Enclosure
Conciliation Agreement

94030972382

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Clyde Evans) MUR 3678
Evans Cabinet Corporation)
)

CONCILIATION AGREEMENT

94030972383
This matter was initiated by a signed, sworn, and notarized complaint by Maryscott Greenwood, Executive Director, Democratic Party of Georgia. The Federal Election Commission ("Commission") found reason to believe that Clyde Evans and Evans Cabinet Corporation ("Respondents") violated 2 U.S.C. § 441b and that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Evans Cabinet Corporation is a Georgia corporation.
2. Clyde Evans is the Chief Executive Officer of Evans Cabinet Corporation.
3. 2 U.S.C. § 434(c) provides that every person who makes independent expenditures in an aggregate amount or value in excess of \$250 during a calendar year shall file a statement indicating whether the independent expenditure is in support of, or in opposition to, the candidate involved; a certification stating whether such independent expenditure is made in cooperation, consultation, or concert, with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate; and reports disclosing the identification of each person who made a contribution in excess of \$200 to the person filing such statement which was made for the purpose of furthering an independent expenditure.
4. Clyde Evans sponsored ads, published in various newspapers in Georgia during October and November of the election campaigns of 1990 and 1992, expressly advocating the defeat of Congressman J. Roy Rowland.
5. The cost of the ads for 1990 was \$1,383 and \$2,942 for 1992.
6. Pursuant to 2 U.S.C. § 441d(a), whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, such communication, if not authorized by a candidate, an authorized political committee or a candidate, or

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its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

7. The ads bore the disclaimer "Paid for by Clyde Evans, Dublin, GA;" "Paid for by Clyde Evans;" or "Clyde Evans, Dublin, GA."

8. Under 2 U.S.C. § 441b, it is unlawful for any corporation, in general, to make a contribution or expenditure in connection with any federal election and for any officer or director of any corporation to consent to any contribution or expenditure by the corporation.

9. According to 2 U.S.C. § 431(8)(A)(i), the term "contribution" includes any loan, advance or deposit of money or anything of value.

10. The ads were paid for by checks drawn on an account labeled "Clyde Evans, Special Account," for which Clyde Evans had sole signature authority.

11. Clyde Evans made contributions to federal candidates from the "Clyde Evans, Special Account" totaling \$750 during September and October, 1990, and totaling \$950 during October and November, 1992.

12. Clyde Evans deposited loan proceeds from Evans Cabinet Corporation in the "Clyde Evans, Special Account" totaling \$29,000 during the period September through December, 1990 and totaling \$110,000 during October, 1992.

V. The following violations have occurred.

1. Clyde Evans, Chief Executive Officer, consented to the

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loans from the Evans Cabinet Corporation, which were placed in the Special Account and used to make contributions in violation of 2 U.S.C. § 441b.

2. Evans Cabinet Corporation made loans to Clyde Evans which were used to make contributions in connection with a federal election in violation of 2 U.S.C. § 441b.

3. Clyde Evans failed to include the proper disclaimer on the ads in violation of 2 U.S.C. § 441d(a).

4. Clyde Evans failed to file the requisite statements and reports regarding independent expenditures in violation of 2 U.S.C. § 434(c).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Thousand Five Hundred Dollars (\$2,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Clyde Evans will file all statements and reports required under 2 U.S.C. § 434(c) for the independent expenditures he made in 1990 and 1992.

3. Clyde Evans agrees, in the future, only to use funds permissible under the Act to make contributions or expenditures to influence a federal election.

4. Clyde Evans agrees, in the future, to include the appropriate disclaimer, pursuant to 2 U.S.C. § 441d(a), on any ads regulable under the Act.

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement

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thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with this agreement.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY:

Lois G. Lerner
Lois G. Lerner
Associate General Counsel

Date

3-25-94

FOR THE RESPONDENTS:

Clyde Evans
(Name)
(Position)

Date

3-7-94

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

STATEMENT OF REASONS

In the Matter of)
)
Clyde Evans;) MUR 3678
Evans Cabinet Corporation)
)

Commissioner Joan D. Aikens
Commissioner Lee Ann Elliott

On January 25, 1994, the Federal Election Commission considered the General Counsel's recommendations to find reason to believe Clyde Evans and the Evans Cabinet Corporation violated the Federal Election Campaign Act in connection with newspaper advertisements Mr. Evans placed which were critical of a candidate for Congress. We disagreed with several of the General Counsel's recommendations, and write this statement to set forth our rationale.

1. 2 U.S.C. §441d(a) and Express Advocacy

The General Counsel recommended the Commission determine all of Mr. Evans' advertisements contained "express advocacy" and lacked a proper disclaimer in violation of 2 U.S.C. §441d. We agreed that the advertisement entitled "Enough is Enough" contained express advocacy and lacked a proper disclaimer in violation of §441d. We did not, however, believe the "Deficit Spending" advertisement or the ads appearing in the Albany Herald, Coffee County Enterprise and Macon Telegraph on October 22, 1992, contained "express advocacy" or violated any provision of the Act.

Our views on express advocacy need not be repeated here. Suffice it to say we reaffirm our Statement of Reasons in MUR 3376 (July 2, 1992) that "express advocacy" is an exhortation to take election-related action in connection with a clearly identified candidate. Messages that are merely informative, or just entice the reader to form an opinion rather than take election-related action, are not regulated under §441d.

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In this case, we considered the advertisements with the phrase "Enough is Enough" to be similar to the phrase "Don't let him do it" in FEC v. Furgatch, 807 F.2d 857 (9th Cir. 1987). In Furgatch, a court found the phrase "Don't let him do it" to be a vague yet unambiguous election-related exhortation to vote against President Carter. 807 F.2d at 865. The court said its decision was reinforced by the ad's timing and lack of issue-oriented content. Id.

We believe the other advertisements in this case did not require a disclaimer because they did not contain any exhortation of election-related activity for or against a clearly identified federal candidate. More specifically, the "Open Letter" which appeared in the Albany Herald and Coffee County Enterprise, and the "How Does Your Congressman Vote?" and "Deficit Spending" ads which appeared in the Macon Telegraph were merely informative of a candidate's positions rather than an exhortation of his election or defeat. In fact, these ads are quite similar to the pamphlet the Second Circuit determined was not "express advocacy" in FEC v. CLITRIM, 616 F.2d 45, 53 (2d Cir. 1980).

2. 2 U.S.C. §441b Corporate Contributions

The General Counsel also recommended the Commission find reason to believe Mr. Evans and the Evans Cabinet Corporation violated 2 U.S.C. §441b by using corporate treasury money to finance these advertisements. We disagreed.

It is clear from the responses to the complaint that the account Mr. Evans used to finance these advertisements contained both personal money and funds loaned to him from the corporation. The amount of personal money in the account was more than sufficient to cover the costs of the ads. Further, the corporate money in Mr. Evans' account was a routine loan against his share of future corporate profits, much like a partner's drawing account. Also, it cannot be said this was an impermissible corporate advance, since the amount of money Mr. Evans was lent during the year was less than the amount he was due at the end of the year.

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Accordingly, we voted against finding reason to believe either Mr. Evans or Evans Cabinet violated §441b's prohibition against the expenditure of corporate treasury money in connection with an election.

Joan D. Aikens
Joan D. Aikens
Commissioner

Lee Ann Elliott
Lee Ann Elliott
Commissioner

March 30, 1994

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Clyde Evans;)

Evans Cabinet Corporation)

MUR 3678

STATEMENT OF REASONS

VICE CHAIRMAN DANNY LEE MCDONALD
COMMISSIONER JOHN WARREN MCGARRY
COMMISSIONER SCOTT E. THOMAS

In Matter Under Review ("MUR") 3678, the Commission considered whether the advertisements at issue fell within the express advocacy standard and hence were regulable under the Act. While the Commission found three of the five ads were squarely within the express advocacy standard, the Commission split 3-3 on the other two ads. In our opinion, all the ads met the express advocacy standard and accordingly required disclosure and a proper disclaimer. In our view, the public has a right to know the source of such ads under the Federal Election Campaign Act of 1971, as amended ("the Act"). As a result, we voted to find reason to believe that all the ads in this matter were not properly reported and failed to include a non-authorization disclaimer in violation of the Act.

I.

The Act provides that whenever any person makes a non-authorized expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate through any type of general public advertising, such communication must contain a disclaimer stating that the communication was not authorized by any candidate or candidate's campaign committee. 2

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U.S.C. §441d(a);¹ see also 11 C.F.R. §110.11(a)(1)(iii). Under 2 U.S.C. § 434(c), a person making independent expenditures of more than \$250 expressly advocating the election or defeat of a candidate must file a report so indicating. See also 11 C.F.R. § 109.2.

On October 28, 1992, the Democratic Party of Georgia ("the complainant") filed a complaint with the Federal Election Commission against Clyde Evans and his corporation, the Evans Cabinet Corporation (the "corporation"). The complaint alleged that negative advertisements about Congressman J. Roy Rowland, which did not contain proper disclaimers, appeared in newspapers for both the 1990 and 1992 general elections and were paid for by Clyde Evans.² Mr. Evans did not dispute that he neither filed any of the required reports nor included the non-authorization disclaimer on the ads. He admitted that he paid for the ads and contended that the ads "were not authorized by anyone." See General Counsel's Report at p. 4.

On March 9, 1993, the Commission considered the General Counsel's Report which recommended that the Commission find reason to believe that Clyde Evans violated the Act's reporting and disclaimer provisions, 2 U.S.C. §§ 434(c) and 441d(a) with regard to five advertisements. Motions to approve the General Counsel's recommendations, on an ad-by-ad basis, produced mixed results. While the Commission found reason to believe that three of the five ads

1. 2 U.S.C. §441d(a) provides, in pertinent part:

Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication --

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or committee's

2. Congressman Rowland defeated Robert Cunningham in both 1990 and 1992. In 1990, Rowland garnered 69% of the vote to Cunningham's 31% and in 1992, Rowland garnered 56% to 44% of the vote.

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were squarely within the express advocacy standard, the Commission split 3-3 on two of the ads.

On January 25, 1994, the Commission revoted its prior determinations in this matter in order to assure compliance with the NRA opinion.³ While the Commission's vote changed from 6-0 to 5-1 with reference to the ads headed, "Enough is Enough!!!", the 3-3 split votes remained with respect to the October 22, 1992, Macon Telegraph ad and the "Deficit Spending" ad.

We agree with the General Counsel's Report which concludes that Mr. Evans engaged in advertising activities over two election cycles without following the requirements of the Act. It is the position of the undersigned that all five of the ads, including the two ads that the Commission split 3-3 on, involved clear violations of the Act.

3. The Commission considered the advertisements and voted on the motions in the following order:

1. With respect to the ad which appeared in the Albany Herald on October 22, 1992, four commissioners (including the undersigned) supported the General Counsel's recommendation to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a), and two commissioners opposed.

2. With respect to the ad which appeared in the Coffee County Enterprise on October 22, 1992, four commissioners (including the undersigned) supported the General Counsel's recommendation to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a), and two commissioners opposed.

3. With respect to the ad titled "How Does Your Congressman Vote? Big Spender or Conservative Georgian?" which appeared in the Macon Telegraph on October 22, 1992, three commissioners (the undersigned) supported the General Counsel's recommendation to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a), and three commissioners opposed.

4. With respect to the ads titled "Enough is Enough !!!", appearing in 1990, six commissioners supported the General Counsel's recommendation to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a).

5. With respect to the ad titled, "Deficit Spending", which appeared in the Macon Telegraph, date unknown, three commissioners (the undersigned) supported the General Counsel's recommendation to find reason to believe that Clyde Evans violated 2 U.S.C. § 434(c) and § 441d(a), and three commissioners opposed.

4. In order to assure that MUR 3678 conformed to the court's opinion in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. filed, (U.S. No. 93-1151, Jan. 18, 1994), the Commission re-considered the advertisements and voted on the same motions.

II.

The central issue in this matter is whether the 1990 and 1992 advertisements paid for by Clyde Evans constituted express advocacy and hence were regulable under the Act. Such communications must be reported by the responsible party. If non-authorized advertisements contain express advocacy, the Act requires the responsible individual to include a statement on the ads indicating that the communication is not authorized by any candidate or candidate's committee. After reviewing the applicable case law, the text of the ads, and the circumstances surrounding their publication, we believe that the ads asked the general public NOT to vote for a specific federal candidate. Accordingly, we voted to find reason to believe that Clyde Evans violated 2 U.S.C. §§ 434(c) and 441d(a) for failing to report and failing to include a non-authorization statement regarding the two ads at issue.

A.

Congress included the "express advocacy" provision as part of §§ 434(c) and 441d in response to the Supreme Court's decision in Buckley v. Valeo, 424 U.S. 1 (1976). See H.R. Rep. No. 917, 94th Cong., 2d Sess. 5 (1976). The express advocacy standard was established in Buckley, when the Court upheld as constitutional certain reporting requirements on expenditures made by individuals and groups who were "not candidates or political committees." 424 U.S. at 80. The Court expressed its concern, however, that these reporting provisions might be broadly applied to communications that discussed public issues which also happened to be campaign issues. In order to ensure that expenditures made for pure issue discussion would not be reportable under FECA, the Court construed these reporting requirements "to reach only funds used for communications that expressly advocate the election or defeat of a clearly identified candidate." Id. (emphasis added).

In creating the express advocacy standard, the Buckley Court sought to draw a distinction between issue advocacy and electoral advocacy focused on a clearly-identified candidate. Thus, the Court explained that the purpose of the express advocacy standard was to limit the application of the pertinent reporting provision to "spending that is unambiguously related to the campaign of a particular federal candidate." 424 U.S. at 80 (emphasis added). See also 424 U.S. at 81. (Under an express advocacy standard, the reporting requirements would "shed the light of publicity on spending that is unambiguously campaign related") (emphasis added). The Court, however, provided no definition of what constituted "spending that is unambiguously related to the campaign of a particular federal candidate" or "unambiguously campaign related." The Court only indicated that express advocacy would include communications

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containing such obvious campaign related words or phrases as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." 424 U.S. at 80 n.108 citing 424 U.S. at 44 n.52.

Subsequent court decisions have retained the distinction between issue discussion and electoral advocacy established by Buckley, but they also have held that the scope of express advocacy is not limited to the catch phrases given as examples in Buckley. In FEC v. Massachusetts Citizens For Life ("FEC v. MCFL"), 479 U.S. 238 (1986), the Supreme Court clarified the scope of the express advocacy standard. The Court indicated that a communication could be considered express advocacy even though it lacked the specific buzzwords or catch phrases listed as examples in Buckley. The Court explained that express advocacy could be "less direct" than the examples listed in Buckley so long as the "essential nature" of the communication "goes beyond issue discussion to express electoral advocacy." 479 U.S. at 249.

Similarly, in FEC v. Furgatch, 807 F.2d 857, 864 (9th Cir.), cert. denied, 484 U.S. 850 (1987), the Ninth Circuit concluded that "speech need not include any of the words listed in Buckley to be express advocacy under the Act." The court found that "express advocacy" is not strictly limited to communications using certain key phrases." 807 F.2d at 862. Such a wooden and mechanical construction, the court recognized, would invite and allow for the easy circumvention of the Act:

A test requiring the magic words "elect," "support," etc., or their nearly perfect synonyms for a finding of express advocacy would preserve the First Amendment right of unfettered expression only at the expense of eviscerating the [Act]. "Independent" campaign spenders working on behalf of candidates could remain just beyond the reach of the Act by avoiding certain key words while conveying a message that is unmistakably directed to the election or defeat of a named candidate.

Id. (emphasis added).

Rather than rely on the inclusion or exclusion of certain "magic words" for determining whether a particular communication contained express advocacy, the court concluded that for a communication "to be express advocacy under the Act...it must, when read as a whole, and with limited reference to external events, be susceptible of no other reasonable interpretation but as an exhortation to vote for or against a specific candidate." 807 F.2d at 864. (emphasis added). In defining "express advocacy" under this standard, the court considered the following factors:

First, even if it is not presented in the clearest most explicit language, speech is "express" for present purposes if its message is unmistakable and unambiguous, suggestive of only one plausible meaning. Second, speech may only be termed "advocacy" if it presents a clear plea for action, and thus speech that is merely informative is not covered by the Act. Finally, it must be clear what action is advocated. Speech cannot be "express advocacy" when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action.

Furgatch, 807 F.2d at 864.

B.

With respect to the two ads appearing in the Macon Telegraph on which the Commission split 3-3, we have no doubt that these two ads, paid for by Clyde Evans, were "unambiguously related to the campaign of a particular federal candidate." Buckley, 424 U.S. at 80. We can see no other purpose for Mr. Evans to pay for these ads other than to discourage people from voting for Congressman J. Roy Rowland in both the 1990 and 1992 general elections. There was none of the issue discussion present in these advertisements which so concerned the Court in Buckley and led to the development of an express advocacy standard. These ads were not tied, for example, to any legislative effort or lobbying effort or constituent communication regarding congressional activity. Rather, the purpose of the ads was simply to urge people not to re-elect Congressman Rowland.

In the "Deficit Spending" ad, the language criticized Rowland's congressional voting record and representation of his constituents: "The list goes on and on. Rowland talks fiscal responsibility when he is in the 8th District and goes to Washington and votes the opposite." General Counsel Report at p. 7. Similarly, in the "How Does Your Congressman Vote? Big Spender or Conservative Georgian?" ad, the language set forth how Congressman Rowland has voted and suggests what effect it has: "taxpayer funding of needles and syringes to drug

5. The ad appearing under the title, "Deficit Spending" in the Macon Telegraph was undated but appears to be from the 1990 election cycle since it referenced Rowland's voting record in the 101st Congress. Unlike the other ads submitted with the complaint, this one did not include Evans as the source of the funds; however, the complainant's copying process seems to have cut off the bottom of the original ad. General Counsel's Report at p. 7.

addicts...Rowland was just awarded a \$345 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million. Conservative Georgian...NO. Big Spender... YES!"⁶ General Counsel's Report at p. 7. The language used in both ads was not language indicative of issue advocacy protected under Buckley, but rather language indicative of electoral advocacy regulated under the Act.

Further, the timing of these ads also had a clear significance. Each ad was running in close proximity to the dates of the election, approximately a week or two before the general election. In view of the content and context of these ads, we believe that "when read as a whole...[the advertisements are] susceptible of no other reasonable interpretation but as an exhortation to vote for ... a specific candidate." Furgatch, supra, 807 F.2d at 864.

The General Counsel's Report concludes that express advocacy is present in both the 1990 and 1992 ads because "while Mr. Evans' ads refer to a variety of issues of public concern (e.g., Congressional Post Office scandal; check bouncing scandal; congressional pay raises; national debt), the ads' content and timing preclude a finding that the ads constitute only issue discussion. See, MCFL, 479 U.S. at 249; Advisory Opinion 1992-23. Rather, the ads appear to fit squarely within the parameters for express advocacy established by the courts and the Commission." General Counsel's Report at p. 10. Further, the Report concludes that "based on the complaint and the information on hand, the ads qualify as independent expenditures regulable under the Act. As independent expenditures, the ads are subject to both the reporting and disclaimer provisions of the Act." General Counsel's Report at p. 11.

We accept the General Counsel's legal judgment that the 1990 and 1992 advertisements constituted express advocacy because we believe that the General Counsel's explanations correctly reads the test set forth in Furgatch, supra. The court in Furgatch stated that "speech cannot be 'express advocacy' when reasonable minds could differ as to whether it encourages a vote for or against a candidate or encourages the reader to take some other kind of action." 807 F.2d at 864 (emphasis added). In other words, in order to reach a "no express advocacy" determination, some other plausible explanation for the communication must be given. With respect to the two ads on which the Commission split 3-3, we can see no plausible explanation other than that they were communications calling for the defeat of Congressman J. Roy Rowland.

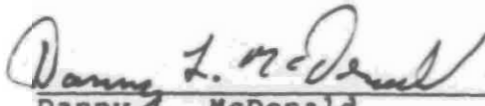
6. "How Does Your Congressman Vote? Big Spender or Conservative Georgian?" appeared in the Macon Telegraph on 10/22/92.

III.

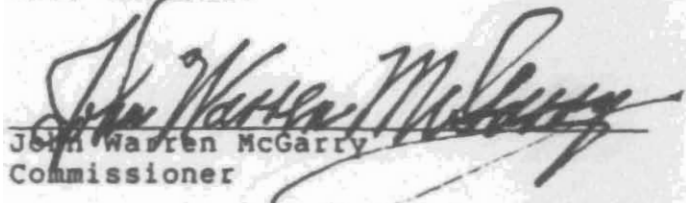
The failure of three commissioners to agree with the General Counsel's recommendation that the political attack ads involved here expressly advocated the defeat of a clearly identified candidate blocked the finding of a violation and any further action by the Commission in this matter. Worse than that, this vote was based on an interpretation of the law that will, in time, "eviscerate[e]...the Federal Election Campaign Act," totally contrary to the caution of the U.S. Court of Appeals in Furgatch, 807 F.2d at 863.

The action of our three colleagues sets the stage for individuals, corporations and labor unions to distribute similar political literature to voters at election time without any limit or restriction or reporting and totally beyond and outside the regulatory scheme of the law. This simply cannot be the intent of the Congress and the courts.


4/14/94
Date


Danny L. McDonald
Vice Chairman

4/14/94
Date


John Warren McGarry
Commissioner

4/14/94
Date


Scott E. Thomas
Commissioner



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

THIS IS THE BEGINNING OF MUR # 3678

DATE FILMED 4-23-91 CAMERA NO. 2

CAMERAMAN JMH

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3678

DATE FILMED 4-23-84 CAMERA NO. 2

CAMERAMAN JMN

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

☒ Microfilm
☐ Public Rcds
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3678.

5/10/94

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

MEMORANDUM

TO: COMMISSIONERS
STAFF DIRECTOR SURINA
GENERAL COUNSEL NOBLE
PRESS OFFICER HARRIS

FROM: *mbe* MARJORIE W. EMMONS/DEIDRE M. DANIEL *DE*
SECRETARY OF THE COMMISSION

DATE: APRIL 22, 1994

SUBJECT: STATEMENT OF REASONS FOR MUR 3678

Attached is a copy of the Statement of Reasons in MUR 3678 signed by Commissioner Potter. This was received in the Commission Secretary's Office on Thursday, April 21, 1994 at 6:36 p.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

In the Matter of)

Clyde Evans)
Evans Cabinet Corporation)

MUR 3678

STATEMENT OF REASONS
Commissioner Trevor Potter

On March 9, 1993, the Commission first considered the General Counsel's recommendations in this matter involving various newspaper advertisements paid for by Clyde Evans in the last weeks before both the 1990 and 1992 Georgia general elections. The complaint alleged that, in several respects, these advertisements resulted in violations of the Federal Election Campaign Act of 1971, as amended ("the Act"). Consistent with the Commission's November 9, 1993 decisions concerning compliance with the court's opinion in FEC v. NRA Political Victory Fund, 6 F.3d 821 (D.C. Cir. 1993), petition for cert. pending, on January 25, 1994 the Commission again discussed the Office of the General Counsel's recommendations to make various reason to believe findings based on the complaint in this matter. On that date the Commission found reason to believe that Clyde Evans violated 2 U.S.C. §§ 441b, 434(c) and 441d(a). The Commission on that date also found reason to believe that the Evans Cabinet Corporation violated 2 U.S.C. § 441b of the Act.

I.

While I agree that two of the newspaper advertisements cited in the complaint resulted in violations of statutory reporting and disclaimer requirements, I can not find reason to believe that the respondents violated the Act with regards to the other three. I could not find that those three advertisements met the applicable legal definition of "expressly advocating the election or defeat" of a federal candidate, and therefore I voted against the Office of General Counsel's recommendation to find violations of Sections 434(c) and 441d(a) related to the following: the October 22, 1992 Macon Telegraph advertisement - "How does Your Congressman Vote?" (See Attached Tab A); the four advertisements entitled "Enough is Enough!!!" (See Attached Tab B); and the advertisement entitled "Deficit Spending" (See Attached Tab C).

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Buckley v. Valeo, 424 U.S. 1 (1976) ("Buckley") made it very clear that in order to uphold the Act's constitutionality the Act could only be read to grant the Commission regulatory authority over "funds used for communications that expressly advocate the election or defeat of a clearly identified candidate." Id. at 80. The Court indicated this was necessary to avoid reaching constitutionally protected issue advocacy. Thus, the Court identified terms that constitute express advocacy, such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," and "reject." See Id. at 44. In FEC v. Massachusetts for Life, Inc., 479 U.S. 238 (1986) ("MCFL") the Court found express advocacy in a published newsletter urging readers to "vote pro-life" and denoting with a "y" or an "n" listed candidates which respectively supported or opposed the MCFL position, while also featuring 13 photographs of candidates who favored MCFL views.

The Ninth Circuit Court of Appeals interpreted the Supreme Court's standard for express advocacy when it ruled in Furgatch v. FEC, 807 F.2d 857 (9th Cir. 1987) ("Furgatch") that express advocacy could be defined not only by the use of key phrases such as outlined by the Court in Buckley, but also through a three-pronged inquiry: is the communication (1) "unmistakable and unambiguous, suggestive of only one plausible meaning"; (2) a clear plea for action; and (3) "clear what action is advocated." Furgatch at 864. While the Furgatch court indicated that context might play at least an "ancillary" role in determining express advocacy, the court also cautioned that "context cannot supply a meaning that is incompatible with, or simply unrelated to, the clear import of the words." Id. at 863 - 864. This "context" consideration played a key role in the Commission's determination in Advisory Opinion 1992-23 in which advertisements using a candidate's name, that were run in close proximity to an election, and sometimes contained specific reference to the date of the election, constituted express advocacy.

None of the cases above provide a standard by which I could find express advocacy in the advertisements discussed below. The "How Does Your Congressman Vote" advertisement, those advertisements titled "Enough is Enough!!!," and the advertisement entitled "Deficit Spending" each appear to me to be classic examples of speech protected under the Buckley decision. Nowhere do these advertisements contain any of the Buckley enumerated "express advocacy terms" or "magic words." The advertisements factually cite the congressional voting record of J. Roy Rowland on certain issues (whether the facts given are correct is not before us). Regardless of any candidate connection to specific issues, the Court in Buckley made it clear that, even when candidates are intimately tied to public issues, issue advocacy is protected from Commission regulation unless it also contains "express advocacy" of the

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election or defeat of a federal candidate. See Buckley at 43. See also FEC v. Central Long Island Tax Reform Immediately Committee, 616 F.2d 45, 52-53 (1980) ("CLITRIM") (bulletin characterizing officeholders as either being "for" or "against" government spending did not constitute "express advocacy" under the Act). Similar to the CLITRIM case, the issue of supporting government spending seems central to the advertisements at issue here.

Unlike my colleagues, I do not see the phrase "Enough is Enough," when taken within the context of the remainder of that advertisements' text, as an unambiguous plea to the reader to vote for or against J. Roy Rowland on election day. There is a significant distinction between the "Enough is Enough" advertisements and the advertisement in Furgatch which contained the repetitive phrase "Don't let him do it" followed by text including the following line: "If he succeeds the country will be burdened with four more years of incoherencies, ineptness and illusion" The latter example is a clear plea not to allow President Carter to "succeed" in the election and win another four year term. There is no equivalent plea in the "Enough is Enough" advertisement discussion of Congressman Rowland's legislative voting record.

Each of the three advertisements for which I was unable to find reason to believe fails to meet the requisite Furgatch requirement of an unmistakable and unambiguous plea for specific action. There is in fact no action requested of the reader. The advertisements could easily be an effort to lobby Georgians, as well as Rowland himself, to support "conservative" causes and reduced spending. Unlike the communication in MCFL, there is no comparison to an opposing candidate. There is also no reference to any particular election date, or office. Furthermore, there is no positive or preferential portrayal of candidates' who oppose Rowland's positions, as was the case in the MCFL communication. Similarly, unlike the facts in AO 1992-23, each of these advertisements involves substantive issues and does not reference the election date.

Under controlling United States Supreme Court precedent, the Commission is prohibited from regulating independent speech that does not "expressly advocate the election or defeat of a clearly identified candidate." The Court indicated that this narrow standard was required to protect robust free speech and constitutionally protected issue advocacy from chilling government regulation. I do not dispute that the communications at issue might be considered by an average reader to be "critical" of J. Roy Rowland's legislative votes, or even "in connection with an election" (the statutory standard originally written by Congress), but that is not the legal standard which the Supreme Court has said must be met here. The speech here may have been intended to influence a federal election (as some of my colleagues believe), or may not have been (the record contains little definitive information), but that is not the

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relevant legal standard either. We can only judge the communications at hand by the tests created by the Courts in the cases noted above, and as explained, I do not believe the communications meet the standard for "expressly advocating the election or defeat" of a federal candidate. This may not be the only practical outcome, but it is the only one I can reach as a matter of law.

II.

Conversely, I did conclude that two of the newspaper advertisements at issue in this matter did constitute express advocacy, and voted with the majority in so finding. These advertisements both appeared on October 22, 1992; one in the Albany Herald and the other in the Coffee County Enterprise. See Tab D. Each of these advertisements goes beyond issue advocacy by directly linking J. Roy Rowlands particular legislative votes on issues with his incumbency. The key textual line of each advertisement reads as follows: "If we had a tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go." This sentence encourages the reader to go beyond forming merely an opinion regarding certain issues, and encourages the reader to take yet another step; namely to remove J. Roy Rowland from office. These two advertisements thus meet the Furgatch express advocacy standard of a clear plea advocating a specific action for which there is "only one plausible meaning."

III.

The subjective nature of the current court standards, and in particular of the Furgatch criteria (does it contain a clear "plea for action," and is it clear what action is advocated) is unsatisfactory. It also ensures that the Commission will continue to be bedeviled by a flood of cases where the issue is whether the communication contains "express advocacy." For these reasons, I have supported the Commission's ongoing effort to draft a Regulation establishing a "bright-line" test consistent with the Supreme Court's standards. Absent a successful conclusion of that Rulemaking, though, judgment calls such as those in this matter will continue to be required of the Commission.

IV.

Finally, the Commission based the findings that these respondents violated 2 U.S.C. § 441b on the fact that Clyde Evans paid for the advertisements discussed above from a checking account labeled "Special Account" and imprinted with the Evans Cabinet Corporate address. During the time Mr. Evans was utilizing this account to pay for these advertisements he made deposits into the "Special Account" from several sources, including deposits designated as "loans" from the Evans Cabinet Corporation, of which Mr. Evans is Chief Executive Officer.

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Discovery revealed that this "Special Account" had been in existence for twenty-five years and that the corporate "loans" consisted of draws against Mr. Evans' future "bonus plan compensation" of 6% of the gross sales per year. As was the traditional practice of the corporation, each December Mr. Evans would balance his past draws over the year from the bonus compensation plan with the amount owed him for the entire year as a result of the 6% bonus. In the years in which Mr. Evans paid for the advertisements in question here the corporation's end of the year liability owed to Clyde Evans as a result of the bonus plan exceeded the "loans" he had taken out over the course of the year.

There is no indication that Mr. Evans put corporate funds into the "Special Account" solely to influence federal elections. Mr. Evans seems to have intermingled corporate and personal funds in one account to pay for a variety of his expenses, including political activities. In fact, the amount of personal money in the account seems at all times to have been sufficient to cover the costs of the advertisements. However, the "Special Account" was not a "nonrefundable corporate drawing account" of the sort that the Commission has traditionally accepted as personal rather than corporate.

Accordingly, we have here a situation where Mr. Evans evidently used his own funds to finance these independent expenditures. Nonetheless, because of the corporate form of the checking account in which he kept his personal funds, those expenditures can technically be considered an expenditure of corporate funds on behalf of a Federal candidate, and thus a violation of Section 441b (and were so considered by the General Counsel's office in making its recommendations in this matter). I cannot disagree with the General Counsel that, as a matter of law under our regulations as currently drafted, this expenditure constituted a violation of Section 441b. I therefore voted for the Counsel's recommendation in that regard. However, I believe it falls to the Commission to establish some test of reasonableness or de minimus standard for such technical violations on an across the board basis, and I hope we will do so. There is no evidence that Mr. Evans intended to use corporate monies, or did so, and the Commission should adopt policies to reduce the priority given matters of this character.



Trevor Potter
Commissioner

April 21, 1994

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HOW DOES YOUR CONGRESSMAN VOTE?		
Big Spender or Conservative Georgian?		
HOWARD VOTES	ROWLAND VOTES	
	YEA	NAY
Refuse complete tests on drug dealing at House Post Office (HR 828)		X
Taxpayer funding of needles and syringes to drug addicts (S 1948)	X	
\$1 Million Outreach/Assistance to Socially Disadvantaged Farmers	X	
Delay Tax Indexing	X	
One Year Raise in Medicare Premiums of \$678/year	X	
Raise Taxes \$1000 over 5 years for Families Earning \$35,000 (HR 8638)	X	
Line Item Veto and Balanced Budget Amendments Requiring a 3/5 Majority vote of Each Chamber to Permit Deficit (HR 808)		X
\$2.8 Million Feasibility Study for the Red River Waterway Project which Corps of Engineers Called "Marginal at Best" (HR 8878)	X	
\$19 million Road Construction Boondoggle Never Requested by Pentagon for Camp McCain, Mississippi (HR 8438)	X	
\$18 Million Expenditure for Parking Garage in Newark, N.J. (HR 8188)	X	
Cut Non-Personnel Administrative Cost of each Agency by 500 million (HR 8818)		X

Again this year, The National Taxpayers Union rated J. Rowland a "Big Spender" and a 16% Conservative voter.

Rowland was just awarded a \$348 per month pay raise on top of 1990's \$35,000 salary increase. His retirement is now worth over \$1 million.

Conservative Georgian... NO. Big Spender... YES!

PAID FOR BY CLYDE EVANS - A CONCERNED CITIZEN OF DUBLIN, GA

92
- Macon Telegraph
10/22/92

Tel fair Times 10/24/90
Page 10

Enough Is Enough!

J. Roy Rowland says he leads the effort to Balance the Budget...but Jim Wooten of the Atlanta Journal reports he is "A problem in Washington and the solution at home."

J. ROY SAYS

"He is a leader in efforts to enact a balanced budget amendment that can bring fiscal responsibility to Washington once and for all"

J. ROY DOES

- J. Roy voted himself a \$36,000.00 per year pay raise.

- J. Roy voted to increase the national debt limit to \$3.12 trillion.

- J. Roy voted for a budget with a \$90 billion deficit and to raise taxes by \$135 billion.

He has been officially classified as a "Big Spender" by the National Taxpayers' Union.

Made for by Clyde Brown • Seattle, WA

94030973248

ENOUGH IS ENOUGH !!!

J. Roy Rowland says he leads the effort to Balance the Budget...but Jim Woolen of the Atlanta Journal reports he is "A problem in Washington and the solution at home."

J. Roy Says

"He is a leader in efforts to enact a balanced budget amendment that can bring fiscal responsibility to Washington once and for all!"

J. Roy Does

- J. Roy voted himself a \$35,000.00 per year pay raise.
- J. Roy voted to increase the national debt limit to \$3.12 trillion.
- J. Roy voted for a budget with a \$99 billion deficit and to raise taxes by \$135 billion.

He has been officially classified as a "Big Spender" by the National Taxpayers Union.

Paid for by Clyde Evans - Dublin, Ga.

The Monticello N.
10/25/90

Page 4

Monroe County Recorder
10/24/98
Page 9

ENOUGH IS ENOUGH!!!

J. Roy Rowland says he leads the effort to Balance the Budget...but Jim Wooten of the Atlanta Journal reports he is "A problem in Washington and the solution at home."

J. Roy Says

"He is a leader in efforts to enact a balanced budget amendment that can bring fiscal responsibility to Washington once and for all!"

J. Roy does

• J. Roy voted himself a \$35,000.00 per year pay raise.

• J. Roy voted to increase the national debt limit to \$3.12 trillion.

• J. Roy voted for a budget with a \$99 billion deficit and to raise taxes by \$135 billion.

He has been officially classified as a "Big Spender" by the National Taxpayers Union.

Filed for by Clyde Evans - Dublin, Ga

94030973250

10/25/90

Page 2-B

ENOUGH IS ENOUGH!!!

J. Roy Rowland says he leads the effort to Balance the Budget...but Jim Wooten of the Atlanta Journal reports he is "A problem in Washington and the solution at home."

J. Roy Says

"He is a leader in efforts to enact a balanced budget amendment that can bring fiscal responsibility to Washington once and for all"

J. Roy does

• J. Roy voted himself a \$35,000.00 per year pay raise.

• J. Roy voted to increase the national debt limit to \$3.12 trillion.

• J. Roy voted for a budget with a \$99 billion deficit and to raise taxes by \$135 billion.

He has been officially classified as a "Big Spender" by the National Taxpayers Union.

Paid for by Clyde Evans - Dublin, Ga

94030973251

Macon Telegraph
Page 6A

"DEFICIT SPENDING"

8th Distric Congressman J. Roy Rowland says that we need a Balanced Budget Amendment to the Consitution, to require Congress to vote for Fiscal Responsibility.

WE agree - but look how Rowland voted in the 101st Congress.

HR3660 - He voted for a congressional pay raise of \$35,000.00 per year plus retirement benefits that could amount to lifetime totals of more than \$500,000.00. If he completes another term in the House.

HR2883 - HE voted for a \$17.6 billion domestic food program, including food stamps. *Agriculture Program Food Stamps WIC Supplemental Nutrition*

HR2634 - Subsidy of \$28.00 per ticket on all Amtrack passengers.

HR1278 - Voted for \$50 billion to close insolvent S & L's (Supposedly to be paid back over 30 years by the thrift industry), but this leaves, according to the general accounting office, another \$250 billion to be picked up by the taxpayers.

HR2494 - \$232 million for International Development Banks which makes long term, no interest loans (usually never repaid and the U.S. Taxpayer picks up the tab).

The list goes on and on. Rowland talks fiscal responsibility when he is in the 8th District and goes to Washington and votes the opposite.

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but heart trouble forced Garrison to leave the appeals court on Nov. 1, 1991, three weeks before his 70th birthday and mandatory retirement

when he returned on July 29, 1991, because that indictment and prosecution was totally unfounded," said District Attorney Harry Connick.

Since Jim Garrison was the only public official to try to bring legal action in the case of the assassination of President Kennedy.

An Open Letter to the Voters of the Eighth Congressional District

Dear Eight District Voters

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayers Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal. If we had a tax revolt against the big spenders in Washington J. Roy's office would be one of the first to go. Consider the following which J. Roy voted FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 trillion
HJR 2939	Foreign Assistant Program Funding	\$14.8 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 709	1990 Budget Deficit Increase	\$99 billion
HR 8024	National Debt Limit Increase	\$70 billion
HR 2990	Funding Increase for Departments of Labor, Health and Education	\$87.7 billion
HR 3402	Foreign Aid to Poland and Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$75,000 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
	Deficit Increase for 1993	\$327 billion
HR 5260	Unemployment Benefits Extension	\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:

Bill	Item	Amount Saved
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely
Clyde Evans
A Concerned Citizen

PAID FOR BY CLYDE EVANS

Coffee County Enterprise
10/22/92
Page 6-A

94030973253

Congressman J. Roy Rowland is again stumping the Eighth Congressional District for support of a balanced budget amendment. Isn't it a little strange that our Congressman needs a Constitutional Amendment to force him to be classified as a "Big Spender" by the National Taxpayer's Union? This is the same Congressman who was so obsessed with moral ethics in Washington that he was forced to vote himself a \$35,000 per year pay raise and a retirement package of almost a million dollars in order to get the Ethics Bill passed. It did such a good job that it brought us the Congressional Post Office Scandal and the Check Bouncing Scandal.

If we had a tax revolt against the big spenders in Washington, J. Roy's office would be one of the first to go. Consider the following which J. Roy voted FOR:

Bill	Spending Item	Amount Spent
HJR 28	Debt Limit Increase	\$3.12 billion
HJR 2530	Foreign Assistance Program Funding	\$14.8 billion
HR 4151	Head Start Program Funding	\$12 billion
HR 1385	MLK Birthday Holiday Funding	\$500 million
HR 708	1989 Budget Deficit Increase	\$99 billion
HR 3024	National Debt Limit Increase	\$70 billion
HR 2508	Funding Increase for Departments of Labor, Health and Education	\$87.7 billion
HR 3402	Foreign Aid to Poland and Hungary	\$837.5 billion
HR 3553	Funding for Higher Education Act (allows aid to college students even if family has \$78,500 annual income)	\$87.7 billion
HCR 287	Government Spending Increase for 1993	\$68 billion
HR 5288	Unemployment Benefits Extension	\$327 billion
		\$5.8 billion

Now look at the bill Mr. Rowland voted AGAINST:		Amount Saved
Bill	Item	
HCR 287	Spending Freeze	\$750 billion

The list goes on and on. Even Representative John Lewis of Atlanta, the man who defines liberal in Georgia, and Ted Kennedy from the great bastion of Socialism up north have a more conservative voting record.

Sincerely,
Clyde Evans
A Concerned Citizen

Albany Herald 10/22/92

FILED FOR BY CLYDE EVANS

not student-aid
1983-84 academic
less than the year
preceding year.
The findings were

Chick

WASHINGTON
Alabama food processors voluntarily recall pounds of its canned the Agriculture Wednesday.
USDA said some improperly processed potential of causing illness.
The suspect chicken distributed to Kroger Atlanta area and 15 warehouse stores in

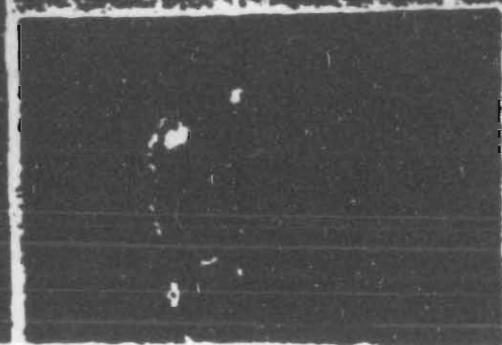
FLOR LOT

CAS

0

Dr. W. Dr. W.

The Hollis Eye Institute



Is Proud To Announce
The Association
Gary M. Levin, M.D.
Dr. Levin specializes in Glaucoma, Pediatric Ophthalmology

94030973254



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

☒ Microfilm
☐ Public Rcds
☐ Press

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 3678.

5/12/94

94030974110



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAY 11, 1994

Ernest F. Jones, Jr.
Ernest Jones and Associates
1810 Bellevue Road
Dublin, GA 31040

RE: MUR 3678
Clyde Evans; Evans Cabinet Corp.

Dear Mr. Jones:

By letter dated March 28, 1994, the Office of the General Counsel informed you that the case filed against your clients by the Democratic Party of Georgia had been closed.

Enclosed please find Statements of Reasons from the Commissioners explaining their votes on the various newspaper ads submitted by the complainant. These documents will be placed on the public record as part of the file of MUR 3678.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

A handwritten signature in dark ink, appearing to read "Holly J. Baker", is written over a rectangular area.

Holly J. Baker
Attorney

Enclosures
Statements of Reasons

9403097411



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MAY 11, 1994

CLOSED

Maryscott Greenwood
Democratic Party of Georgia
1100 Spring Street
Suite 420
Atlanta, GA 30309

RE: MUR 3678

Dear Ms. Greenwood:

By letter dated March 31, 1994, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against Clyde Evans and Evans Cabinet Corporation. Enclosed with that letter was the signed Conciliation Agreement.

Enclosed please find Statements of Reasons from the Commissioners explaining their votes on the advertisements which you submitted with your complaint. These documents will be placed on the public record as part of the file of MUR 3678.

If you have any questions, please contact me at (202) 219-3400.

Sincerely,

Holly Baker
Attorney

Enclosures
Statements of Reasons

94030974112