



FEDERAL ELECTION COMMISSION

1125 K STREET NW.
WASHINGTON, D.C. 20463

THIS IS THE END OF TUE #

919

Date Filmed

12/27/79

Camera No. --- 2

Cameraman

SPC

79010172315

FEDERAL ELECTION COMMISSION

Asset records of Alonzo Cobb, Jr.

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

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

Signed

date

Marybeth Tanant
12/10/79

FEC 9-21-77

7 0 4 0 1 7 2 3 1 6



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
PBH:THH:CCD:ph
186-16-247

DEC 6 1979

905287
11838

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

Re: Coca Cola Corporation
MUR 919

Dear Mr. Steele:

On September 20, 1979 we referred to the Commission for appropriate attention an investigative file prepared by the Federal Bureau of Investigation in connection with a limited inquiry it conducted into allegations that unnamed executives of the Coca Cola Corporation had made political contributions which violated the Federal Election Campaign Act.

In our September 20th correspondence we advised you that we had determined that this allegation lacked prosecutive merit, that we were not conducting further investigation in it, and that the referral of the investigative file to you was intended to enable the Commission to discharge whatever residual noncriminal enforcement responsibilities it may have under 2 U.S.C. 437d(e) and 437g. This referral was also made in discharge of our responsibilities under paragraph 4 of our Memorandum of Understanding with the Commission to make available to the Commission evidence concerning FECA violations to the fullest extent possible where the Department receives and investigates activities involving conduct that could fall under the Act.

On October 12, 1979, former General Counsel William Oldaker sent to us a written request for advice as to whether the referred materials represented the Department's complete investigative file on the matter. Craig C. Donsanto of this Division promptly informed the Commission attorney named in your October 22nd letter as the contact person for this matter, that the materials which we sent to you represented our complete investigative file.

13 DEC 10 AIO: 38

GENERAL COUNSEL

7 2 3 1 7

The Commission has now requested written confirmation of Mr. Donsanto's conversation with your staff person. Please consider this letter such a confirmation.

We wish to assure the Commission that referrals such as the one involved here, that we make to the Commission are factually as complete as Federal law will permit us to make them. Occasionally it may be necessary for us to delete investigative data from investigative files we refer to you pursuant to Paragraph 4 of the Memorandum of Understanding. Where this is necessary, we read our obligations under Paragraph 4 to require us to inform the Commission of the fact that deletions have been made, and to note the reasons why this was necessary. In the future, we trust that you will consider our referrals factually complete unless we advise you to the contrary.

I trust that this letter will serve the Commission's purposes.

Sincerely,

Philip B. Heymann
Assistant Attorney General
Criminal Division

By:



THOMAS H. HENDERSON, JR.
Chief
Public Integrity Section

79040172318

DEC 6 1979

PBH:THH:CCD:ph
186-16-247

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

Re: Coca Cola Corporation
MUR 1919

Dear Mr. Steele:

On September 20, 1979 we referred to the Commission for appropriate attention an investigative file prepared by the Federal Bureau of Investigation in connection with a limited inquiry it conducted into allegations that unnamed executives of the Coca Cola Corporation had made political contributions which violated the Federal Election Campaign Act.

In our September 20th correspondence we advised you that we had determined that this allegation lacked prosecutive merit, that we were not conducting further investigation in it, and that the referral of the investigative file to you was intended to enable the Commission to discharge whatever residual noncriminal enforcement responsibilities it may have under 2 U.S.C. 437d(e) and 437g. This referral was also made in discharge of our ~~responsibilities~~ under paragraph 4 of our Memorandum of Understanding with the Commission to make available to the Commission evidence concerning FECA violations to the fullest extent possible where the Department receives and investigates activities involving conduct that could fall under the Act.

On October 12, 1979, former General Counsel William Oldaker sent to us a written request for advice as to whether the referred materials represented the Department's complete investigative file on the matter. Craig C. Donsanto of this Division promptly informed the Commission attorney named in your October 22nd letter as the contact person for this matter, that the materials which we sent to you represented our complete investigative file.

The Commission has now requested written confirmation of Mr. Donsanto's conversation with your staff person. Please consider this letter such a confirmation.

We wish to assure the Commission that referrals such as the one involved here that we made to the Commission are factually as complete as Federal law will permit us to make them. Occasionally it may be necessary for us to delete investigative data from investigative files we refer to you pursuant to Paragraph 4 of the Memorandum of Understanding. Where this is necessary, we read our obligations under Paragraph 4 to require us to inform the Commission of the fact that deletions have been made, and to note the reasons why this was necessary. In the future, we trust that you will consider our referrals factually complete unless we advise you to the contrary.

I trust that this letter will serve the Commission's purposes.

Sincerely,

Philip B. Heymann
Assistant Attorney General
Criminal Division

By: THOMAS H. HENDERSON, JR.
Chief
Public Integrity Section

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

CRM/PIS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF JUSTICE
JUS-481



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

20 9 0 4 0 1 7 2 3 2 1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MUR 919
November 19, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department of
Justice
Washington, D.C. 20530

Re: PBH:THH:CCO:ph
186-16-NEW

Dear Mr. Heymann:


On October 31, 1979, you received a letter from this office concerning a complaint received by your Department alleging violations of 2 U.S.C. §§441a, 441g and 441j by the Coca Cola Company and the Calorie Control Council. In that letter you were asked to provide any further information regarding the allegations that might be in either yours, or the FBI's possession.

While we note that Craig Donsanto, of your office, responded by telephone, the Commission has requested a written reply to our letter which was dated October 22, 1979.

If you have any questions, please contact Marybeth Tarrant at 523-4175. Please note our file number is MUR 919.

Thank you for your cooperation in this matter.

Sincerely,


Charles N. Steele
Acting General Counsel

72710172322

PS Form 3811, Aug. 1978

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

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

2. ARTICLE ADDRESSED TO:
 Philip B. Heymann
 Criminal Division
 U.S. Dept. of Justice
 Wash. D.C. 20530

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 77 3321

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY: NOV 24 1979

5. ADDRESS (Complete only if requested):
 NOV 24 1979

6. UNABLE TO DELIVER BECAUSE: NO DU
 DEPARTMENT OF JUSTICE
 CLERK'S INITIALS

Tarrant mur. 919

79040172323

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Coca Cola Company)
Calorie Control Council)

MUR 919

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session of November 14, 1979, do hereby certify that the Commission determined by a vote of 4-0 to find no reason to believe that the Coca Cola Company and the Calorie Control Council violated 2 U.S.C. §§441a, 441b, 441g and 441j and close the file in this matter, subject to obtaining prior written confirmation from the Department of Justice that there was nothing more in their file with reference to the alleged violations of the FECA.

Commissioners Aikens, Friedersdorf, McGarry, and Reiche voted affirmatively for the above determination. Commissioner Harris abstained in the vote. Commissioner Tiernan was not present at the time of the vote.

Attest:

11-19-79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

79040172324



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: NOVEMBER 13, 1979
SUBJECT: OBJECTION - MUR 919 - Memorandum to the
Commission dated 11-7-79;
Received in OCS 11-8-79, 11:28

The above-named document was circulated on a 48 hour
vote basis at 4:00, November 8, 1979.

Commissioner McGarry submitted an objection at 10:47,
November 13, 1979, thereby placing MUR 919 on the Executive
Session Agenda for November 14, 1979.

70040172325

November 8, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Memo distributed to the
Commission on a 48 hour tally basis.

Thank you.

700 10172326



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
DEPUTY SECRETARY

79 NOV 8 AM: 20

November 7, 1979

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CN*
Acting General Counsel

SUBJECT: MUR 919

On October 10, 1979, the Commission passed a motion requesting the Office of General Counsel to obtain any additional information that the Justice Department and/or FBI might have on this matter.

On October 22, 1979, this office sent a letter to the Justice Department requesting such information. In response, Craig Donsanto, attorney for the Justice Department and our liaison in this matter, telephoned this office and explained that there was nothing more in the file.

In view of this fact, the Office of General Counsel recommends the Commission accept its previous recommendations. (See General Counsel's Report dated October 3, 1979)

Recommendation

1. Find no reason to believe that the Coca Cola Company and the Calorie Control Council violated 2 U.S.C. §§441a, 441b, 441g and 441j.
2. Close the file.

79040172327



FEDERAL ELECTION COMMISSION

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

October 22, 1979

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department
of Justice
Washington, D.C. 20530

Re: PBH:THH:CCO:ph
186-16-NEW

Dear Mr. Heymann:

This will confirm receipt of your letter of September 20, 1979. Enclosed with your letter was a copy of the FBI's file concerning the above-captioned matter.

While we note your decision not to prosecute in this matter, the Commission would like more information, if it exists, before making its final determination of whether to proceed further. Therefore, if there are any other documents, etc. in either yours or the FBI's possession concerning the allegations, we request that you forward such material to this office.

If you have questions, please contact Marybeth Tarrant at 523-4175. Please note our file number is

7 2 3 2 8

mk 717 variant

SENDER: Complete items 1, 2, and 3 Add your address in the RETURN TO space on reverse		1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)		2. ARTICLE ADDRESSED TO: <i>Philip B. Heymann</i>		3. ARTICLE DESCRIPTION: REGISTERED NO. <i>943137</i> INSURED NO.		I have received the article described above. Signature of addressee <input type="checkbox"/> Authorized agent		POSTMARK OCT 24 1979		5. ADDRESS OF ADDRESSEE DEPARTMENT OF JUSTICE		6. UNABLE TO DELIVER REUSE:		CLERK'S INITIALS	
--	--	--	--	--	--	---	--	--	--	-------------------------	--	--	--	-----------------------------	--	------------------	--

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Coca Cola Company)
Calorie Control Council)

MUR 919

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on October 10, 1979, do hereby certify that the Commission took the following actions in the above-captioned matter:

1. Failed to pass a motion to find no reason to believe that the Coca Cola Company and the Calorie Control Council violated 2 U.S.C. §§441a, 441b, 441g and 441j, and close the file in this matter.

Commissioners Aikens and Friedersdorf voted affirmatively for the motion. Commissioners Harris, Reiche, and Tiernan abstained in the vote. Commissioner McGarry was not present at the time of this vote.

2. Passed a motion requesting the General Counsel to obtain such additional information as the Justice Department - FBI - might have in this matter, particularly with reference to the alleged violations of the FECA, and to bring back any such further information obtained.

Commissioners Friedersdorf, McGarry, Reiche and Tiernan voted affirmatively for this motion. Commissioner Aikens dissented. Commissioner Harris abstained in the vote.

Commissioner Harris asked that the record reflect that he had not participated in either the discussion or the votes in this matter.

Attest:

10/16/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

72740172329



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS/MARGARET CHANEY *mc*
DATE: OCTOBER 5, 1979
SUBJECT: OBJECTION - MUR 919 - General Counsel's Report
dated 10-3-79; Received in OCS
10-4-79, 11:40

The above-named document was circulated on a 48
hour vote basis at 4:00, October 4, 1979.

Commissioner McGarry submitted an objection at 2:13,
October 5, 1979, thereby placing MUR 919 on the Amended
Agenda for October 10, 1979.

A copy of Commissioner McGarry's vote sheet is
attached with comments.

ATTACHMENT:
Copy of Vote Sheet

79040172330



FEDERAL ELECTION COMMISSION

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

 EXECUTIVE SESSION
 OCT 10 1979

OCT 9 A 9:36

Date and Time Transmitted: 10-4-79

4:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 10-9-79

4:00

MUR No. 919 General Counsel's Report dated 10-3-79

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

COMMENTS:

Should be pursued at least to the extent of contacting the attorney who represented him

Date: 10/9/79

Signature:

Frank P. Reiche

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



10-9-79 10:33-1



FEDERAL ELECTION COMMISSION

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

'9 OCT 5 P2:13

Date and Time Transmitted: 10-4-79

4:00

Commissioner FRIEDERSDORF, AIKENS, TIERNAN, MCGARRY, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: 10-9-79

4:00

MUR No. 919 General Counsel's Report dated 10-3-79

() I approve the recommendation

(✓) I object to the recommendation

 COMMENTS: FOR DISCUSSION OF PROCEDURES FOR HANDLING JUSTICE DEPARTMENT
REFERRALS, ESPECIALLY WITH RESPECT TO THE COMMISSION'S NOTICE TO COMPLAINANT
AND RESPONDENT
Date: 10-4-79 Signature: John W. McGarry

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



79040172332

October 4, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached General Counsel's Report on
MUR 919 distributed to the Commission on a 48 hour tally
basis.

Thank you-

79010172333

BEFORE THE FEDERAL ELECTION COMMISSION
October 3, 1979

RECEIVED
OFFICE OF THE
COMMISSIONER
BY

79 OCT 4 AM: 40

In the Matter of)
Coca Cola Company) MUR 919
Calorie Control Council)

GENERAL COUNSEL'S REPORT

GENERATION OF MATTER

On January 10, 1979, the Commission was advised by the Department of Justice (DOJ) of a complaint it had received indicating possible violations of 2 U.S.C. §441a, §441b, §441g and §441j by the Coca Cola Company and the Calorie Control Council. We were also advised that the FBI was going to conduct a preliminary inquiry into the complaint and that upon conclusion of their investigation, this office would be informed of the details.

EVIDENCE

Since that time, this office has had several contacts with DOJ regarding this matter. It was learned that the complaint was lodged by a federal prisoner and it was believed by DOJ that nothing much would come out of the investigation.

On September 20, 1979, we received a letter from DOJ stating the investigation had been concluded and that it has been determined that prosecution is not warranted. Also enclosed was a copy of the FBI report which contained a copy of the complainant's letter along with copies of his arrest records. According to Mr. Alonzo Cobb, Jr., (the complainant), he has served for many years as a deliverer for the Coca Cola

79040172334

Company of large sums of cash to various law makers for their "campaign chests." This alleged money was obtained through the Calorie Control Council.

In July, 1979, Mr. Cobb was interviewed regarding his complaint and his only statement was that his letter "says everything."

ANALYSIS

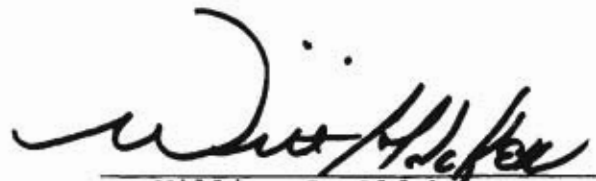
While the complainant has mentioned names in his complaint, he did not provide details and did not wish to elaborate when the FBI came to interview him. In light of this and of DOJ's findings, the Office of General Counsel recommends the Commission find no reason to believe that either respondent violated the Act.

RECOMMENDATIONS

1. Find no reason to believe that the Coca Cola Company and the Calorie Control Council violated 2 U.S.C. §§441a, 441b, 441g and 441j.
2. Close the file.

10/3/79

Date



William C. Oldaker
General Counsel

ATTACHMENT

Letter from DOJ

79040172335



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

1173
904199

Address Reply to the
Division Indicated
and Refer to Initials and Number
PBH:THH:CCD:ph
186-16-247

20 SEP 1979

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

Re: MUR 919 (78)

Dear Mr. Oldaker:

This will refer to your letter of February 7, 1979 and subsequent correspondence concerning a complaint received by this Department to the effect that the Coca Cola Company and Calorie Control Council may have violated 2 U.S.C. 441(a), 441(g) and 441(j).

We have concluded our investigation in this matter and have determined that prosecution is not warranted.

Attached hereto for whatever attention the Commission deems appropriate is a Bureau report in this matter.

Sincerely,

Philip B. Heymann
Assistant Attorney General
Criminal Division

By:


THOMAS H. HENDERSON

Chief, Public Integrity Section

Attachment



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Atlanta, Georgia

July 31, 1979

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION;
ELECTION LAWS - BRIBERY

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c
The following letter, dated November 9, 1978,
from one Alonzo Cobb, Jr., was received by the United States
Department of Justice, Washington, D.C.:

This document contains neither recommendations nor conclusions
of the FBI. It is the property of the FBI and is loaned
to your agency; it and its contents are not to be distributed
outside your agency.

Nov ber 9, 1975

Dear Mr. Norton,

I decided I would wait until after the elections, to write to you concerning this matter. I will be brief.

On July 24th a briefcase containing - \$49,000 was taken from me that belonged to Coca-Cola Co. Along with my log books, diaries, and other documents.

The money was for Sen. Jesse Helms, of North Carolina. All of it was cash. For the past few years I have carried huge sums of money around the country for Coca-Cola, to buy-makers for their campaign chests, and never have a penny, or dollar been missing.

Coca-Cola, hasn't charged me with taking this cash, but they had the police to place charges against me, that I know nothing of. I have been in jail for four months and haven't been to trial yet.

Each week, Mr. Earl Richard, Jr. and Mr. David Davis, Chief Lobbyist for Coca-Cola, would have me to pick up vast amounts of cash, from the Caloric Control Council. Mr. Earl Richard, Jr. Vice President for Public Affairs, at Coke, know where the briefcase went to. But they are unavailable for comment. Sincerely - Alton Cobb, Jr.

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION;

On July 18, 1979, Officer James Barron, Atlanta Police Department, Identification Division, Atlanta, Georgia, made available Atlanta Bureau File Number 198127, on Alonzo Cobb, Jr., showing him as a black male, date of birth May 19, 1929, Atlanta, Georgia, with FBI Number 4-469630.

Cobb was shown as last arrested July 24, 1978, under the name John Porter for theft by taking, forgery, credit card theft, and burglary. On January 10, 1979, Cobb was sentenced to 45 years on fifteen different counts.

Copies of the Atlanta Police Department summary sheet, as well as a copy of Cobb's identification record, Atlanta Police Department Number 198127, FBI Number 4-469630, is attached.

On July 20, 1979, Cobb was contacted at the Fulton County Jail, Jefferson Street, Atlanta, Georgia, where he is incarcerated on the aforementioned charges and awaiting appeal.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/26/79

ALONZO COBB JR. was advised as to the identity of the interviewing Agent and as to the nature of the interview and given a copy of a Rights and Waiver form which he read, but stated he did not wish to sign.

COBB was then shown a copy of a handwritten letter which he acknowledged as having been written by him adding that he had nothing further to say in that the letter "says everything."

COBB is described as follows:

Sex	Male
Date of Birth	May 19, 1929
Place of Birth	Atlanta, Georgia
Height	5 feet 7 inches
Weight	165 pounds
Hair	Gray

Investigation on 7/20/79 at Atlanta, Georgia File # AT 56-337

by SA RICHARD E. FUGATT/lwg Date dictated 7/24/79

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION

Cobb further advised that he had been in jail since July 24, 1978, having been to trial in Fulton County Superior Court, January, 1979, where he received 45 years on 12 - 14 counts of armed robbery and burglary. Cobb stated that he had been defended on the charges by a Public Defender by the name of Mr. Thomas Spraley and that his appeal is now being handled by an attorney by the name of Pitts, also with the Public Defender's Office in Fulton County, Georgia.

On July 25, 1979, the Georgia Bureau of Investigation, Georgia Crime Information Center, made available a copy of their record number GA00241339, on Cobb, as follows:



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

1173
914199

Address Reply to the
Division Indicated
and Refer to Initials and Number

PBH:THH:CCD:ph
186-16-247

20 SEP 1979

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

Re: MUR 919 (78)

Dear Mr. Oldaker:

This will refer to your letter of February 7, 1979 and subsequent correspondence concerning a complaint received by this Department to the effect that the Coca Cola Company and Calorie Control Council may have violated 2 U.S.C. 441(a), 441(g) and 441(j).

We have concluded our investigation in this matter and have determined that prosecution is not warranted.

Attached hereto for whatever attention the Commission deems appropriate is a Bureau report in this matter.

Sincerely,

Philip B. Heymann
Assistant Attorney General
Criminal Division

By:

THOMAS H. HENDERSON

Chief, Public Integrity Section

Attachment

20 SEP 1979

PBH:THH:CCD:ph
186-16-247

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

Re: MUR 919 (78)

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Sincerely,

Philip B. Heymann
Assistant Attorney General
Criminal Division

By: THOMAS H. HENDERSON
Chief, Public Integrity Section

Attachment



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Atlanta, Georgia

July 31, 1979

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION;
ELECTION LAWS - BRIBERY

The following letter, dated November 9, 1978,
from one Alonzo Cobb, Jr., was received by the United States
Department of Justice, Washington, D.C.:

79040172344

This document contains neither recommendations nor conclusions
of the FBI. It is the property of the FBI and is loaned
to your agency; it and its contents are not to be distributed
outside your agency.

79040172345

Dear Mr. ^{JOINT GENERAL COUNCIL} ~~Horton~~,

Nov ber 9, 1975

I decided I would wait until after the elections, to write to you concerning this matter. I will be brief.

On July 24th a briefcase containing - \$49,000 was taken from me that belonged to Coca-Cola Co. Along with my log books, diaries, and other documents.

The money was for Sen. Jesse Helms, of North Carolina. All of it was cash. For the past few years, I have carried huge sums of money around the country for Coca-Cola, to bar-makers for their campaign chests, and never have a penny, or dollar been missing.

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Each week, Mr. Earl Leonard, Jr. and Mr. David Davis, Chief Lobbyist for Coca-Cola, would have me to pick up vast amounts of cash, from the Calorie Control Council. Mr. Earl Leonard, Jr. Vice President for Public Affairs, at Coke, know where the briefcases went to. But they are unavailable for comment. Sincerely - Alton Cobb.

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION;

On July 18, 1979, Officer James Barron, Atlanta Police Department, Identification Division, Atlanta, Georgia, made available Atlanta Bureau File Number 198127, on Alonzo Cobb, Jr., showing him as a black male, date of birth May 19, 1929, Atlanta, Georgia, with FBI Number 4-469630.

Cobb was shown as last arrested July 24, 1978, under the name John Porter for theft by taking, forgery, credit card theft, and burglary. On January 10, 1979, Cobb was sentenced to 45 years on fifteen different counts.

Copies of the Atlanta Police Department summary sheet, as well as a copy of Cobb's identification record, Atlanta Police Department Number 198127, FBI Number 4-469630, is attached.

On July 20, 1979, Cobb was contacted at the Fulton County Jail, Jefferson Street, Atlanta, Georgia, where he is incarcerated on the aforementioned charges and awaiting appeal.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 7/26/79

ALONZO COBB JR. was advised as to the identity of the interviewing Agent and as to the nature of the interview and given a copy of a Rights and Waiver form which he read, but stated he did not wish to sign.

COBB was then shown a copy of a handwritten letter which he acknowledged as having been written by him adding that he had nothing further to say in that the letter "says everything."

COBB is described as follows:

Sex	Male
Date of Birth	May 19, 1929
Place of Birth	Atlanta, Georgia
Height	5 feet 7 inches
Weight	165 pounds
Hair	Gray

Investigation on 7/20/79 at Atlanta, Georgia File # AT 56-337

by SA RICHARD E. PUGATT/lwg Date dictated 7/24/79

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

79040172347

ALLEGED POLITICAL CONTRIBUTIONS
BY THE COCA-COLA CORPORATION

Cobb further advised that he had been in jail since July 24, 1978, having been to trial in Fulton County Superior Court, January, 1979, where he received 45 years on 12 - 14 counts of armed robbery and burglary. Cobb stated that he had been defended on the charges by a Public Defender by the name of Mr. Thomas Spraley and that his appeal is now being handled by an attorney by the name of Pitts, also with the Public Defender's Office in Fulton County, Georgia.

On July 25, 1979, the Georgia Bureau of Investigation, Georgia Crime Information Center, made available a copy of their record number GA00241339, on Cobb, as follows:

79040172348

7 9 0 4 0 1 7 2 3 4 9

U.S. DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300
CRM/PIS

POSTAGE AND FEES PAID

U.S. DEPARTMENT OF JUSTICE

JUS 431

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

Form OBD-135
Jan. 1977



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MRE luy pc*
DATE: AUGUST 30, 1979
SUBJECT: MUR 919 - Interim Investigative Report
dated 8-27-79; Signed 8-28-79;
Received in OCS 8-28-79, 3:13

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 11:00, August 29, 1979.

There were no objections to the Interim Investigative Report at the time of the deadline.

79040172350

August 28, 1979

MEMORANDUM TO: Marge Emmo
FROM: Jane Colgrove
SUBJECT: MUR 919

Please have the attached Interim Investigative Report on MUR 919 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7 9 0 4 0 1 7 2 3 5 1

BEFORE THE FEDERAL ELECTION COMMISSION
August 27, 1979

In the Matter of)
Coca Cola Company) MUR 919
Calorie Control)
)

INTERIM INVESTIGATIVE REPORT

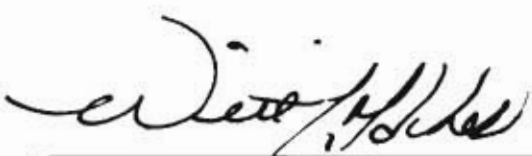
On June 20, 1979, a letter was sent to the Department of Justice requesting that we be informed of the progress of their investigation.

A response was received on August 1, 1979 stating the matter was still under investigation by the FBI. The letter further stated that they do not anticipate anything substantial will come of this matter, but that we will be advised of the results of the investigation when they have been received from the Bureau.

Upon the receipt of this information from DOJ, a full report will be made to the Commission.

Date

8/28/79


William C. Oldaker
General Counsel

79040172352



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated

and Refer to Initials and Number
PBH:THH:CCD:ph
186-16-247

79 JUL 1 AM 11:45

81 JUL 1979

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

903353

Re: MUR 919

Dear Mr. Oldaker:

This will refer to your letter dated June 20, 1979, requesting a status report on a matter we have under investigation involving the Coca Cola Corporation and the Calorie Control Council.

Late last year, this Department received information to the effect that these entities and their agents violated the ban of corporate political activity enunciated in 2 U.S.C. 441b. As is our standard procedure in matters of such kind, we reviewed the incoming complaint to ascertain whether the violation described therein, if it occurred, was likely to have entailed the degree of specific intent which is now required under 2 U.S.C. 441j to make FECA offenses criminal. In this instance, the staff analysis of the complaint reflected the possible presence of such specific intent, the matter was retained here for routine criminal processing, and you were advised of this action on January 8, 1979 pursuant to our Memorandum of Understanding.

The matter is still under investigation by the Federal Bureau of Investigation.

For your information, this matter involves an otherwise uncorroborated allegation which was made by a Federal prisoner. It is our routine procedure to have Federal prisoners interviewed whenever they indicate that they have

9 JUL 1 P 1:05

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

- 2 -

information concerning criminal activities by others. We do not at present anticipate that anything substantial will come of this matter, but we will advise you of the results of the investigation when they have been received from the Bureau.

We trust that this additional information responds to the Commission's concerns.

Sincerely,

PHILIP B. HEYMANN
Assistant Attorney General
Criminal Division

By: 
THOMAS H. HENDERSON, JR.
Chief, Public Integrity Section

72040172354

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
RECEIVED U. S. DEPARTMENT OF JUSTICE
FEDERAL ELECTION COMMISSION
JUS-431



'79 AUG 1 AM 11:45

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



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *LF*
DATE: JULY 30, 1979
SUBJECT: MUR 919 - Interim Investigative Report
dated 7-26-79, Received by OCS 7-27-79,
10:03.

The above-named document was circulated to
the Commission on a 24-hour no-objection basis
at 2:00, July 27, 1979.

There were no objections to the Interim Investigative
Report at the time of the deadline.

73040172356

July 27, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Interim Invest Report on
MUR 919 distributed to the Commission.

Thank you.

79040172357

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

79 JUL 27 AIO: 03

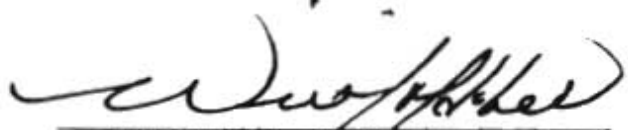
In the Matter of)
Coca Cola Company) MUR 919
Calorie Control Council)

INTERIM INVESTIGATIVE REPORT

A letter was sent to DOJ on June 20, 1979, requesting that we be informed of the progress of their investigation in this matter. As yet, no response has been received.

Upon the receipt of new information from DOJ, a full report will be made to the Commission.

7/26/79
Date


William C. Oldaker
General Counsel

79040172358



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: JUNE 27, 1979
SUBJECT: MUR 919 - Interim Investigative
Report dated 6-20-79; Signed by
GC 6-25-79. Received in OCS
6-26-79, 9:52

The above-named document was circulated on a 24
hour no-objection basis at 4:00, June 26, 1979.

The Commission Secretary's Office has received
no objections to the Interim Investigative Report

79010172359

June 26, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Interim Invest Report
on MUR 919 distributed to the Commission.

Thank you.

79010172360

BEFORE THE FEDERAL ELECTION COMMISSION
June 20, 1979

In the Matter of)
Coca Cola Company)
Calorie Control Council)

MUR 919

INTERIM INVESTIGATIVE REPORT

79040172361

We have not received any information from the Department of Justice (DOJ) regarding this matter since our phone call to them of April 17, 1979. As this office cannot proceed further without any new information, a letter has been sent to DOJ requesting that we be informed of the progress of their investigation.

Upon the receipt of new information from DOJ, a full report will be made to the Commission.

6/25/79
Date

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

June 20, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department
of Justice
Washington, D.C. 20530

Re: Coca Cola Company
Calorie Control Council
PBH: THH:CCD:ph
186-16-NEW

Dear Mr. Heymann:

This is in reference to the captioned matter and the January 8, 1979 letter from your office advising us that the matter was under investigation. Your letter indicated that possible violations of 2 U.S.C. §§441a(a) and 441g were involved and that you would make the details of the investigation available to us when you concluded with your investigation and analysis.

While we have been in telephone contact with your staff as to the progress of the investigation, in view of the time that has elapsed since your initial communication with us, we would appreciate being advised of when this investigation might be concluded and whether the matter may require the Commission to exercise its jurisdiction.

Our file in this matter is numbered MUR 919. The staff member assigned to this matter is Marybeth Tarrant, who can be reached at 523-4175.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel



79040172363

Tarrant (9.9) MND-Cos Colo

PS Form 3811, May 1977

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

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

2. ARTICLE ADDRESSED TO
Philip B. Heyman
Criminal Division
U.S. Dept. of Justice
Wash., D.C. 20530

3. ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 438190

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
[Signature]

4. DATE OF DELIVERY POSTMARK
APR 22 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

☆GPO 1977-0-240-000



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: JUNE 4, 1979
SUBJECT: MUR 919 - Interim Investigative
 Report dated 5-29-79. Signed
 5-31-79: Received in OCS 6-1-79,
 7:40

The above-named document was circulated on a 24
hour no-objection basis at 11:45, June 1, 1979.

The Commission Secretary's Office has received
no objections to the Interim Investigative Report as of
12:00 this date.

72040172364

May 31, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Interim Invest Report
on MUR 919 distributed to the Commission.

Thank you.

7 9 0 1 0 1 7 2 3 6 5

BEFORE THE FEDERAL ELECTION COMMISSION
May 29, 1979

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 JUN 1 A 7:40

In the Matter of)
Coca Cola Company)
Calorie Control Council)

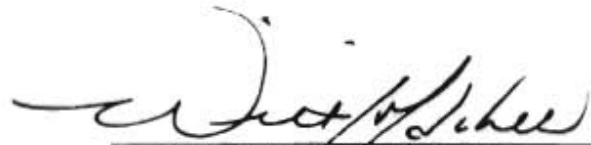
MUR 919

INTERIM INVESTIGATIVE REPORT

On April 17, 1979, a call was placed to Craig Donsanto, attorney at the Department of Justice, regarding this matter. Mr. Donsanto informed us that the complainant's letter had just recently been turned over to the FBI and that there was no way to tell when the investigation would end. He added that upon the termination of Justice's involvement in this matter, all information it is able to release would be made available to us.

Upon receipt of new information from the Department of Justice, a full report and recommendation will be made to the Commission.

5/31/79
Date


William C. Oldaker
General Counsel

79010172356



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO

CHARLES STEELE

FROM:

MARJORIE W. EMMONS

MRE by fe

DATE:

MAY 11, 1979

SUBJECT:

MUR 919 - Interim Investigative Report
dated 5-7-79. Signed 5-9-79.
Received in OCS 5-10-79, 11:24

The above-named document was circulated on a 24
hour no-objection basis at 4:30, May 10, 1979.

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

79040172367

May 10, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Interim Invest Report
on MUR 919 distributed to the Commission.

Thank you.

79010172368

BEFORE THE FEDERAL ELECTION COMMISSION
May 7, 1979

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 MAY 10 11: 24

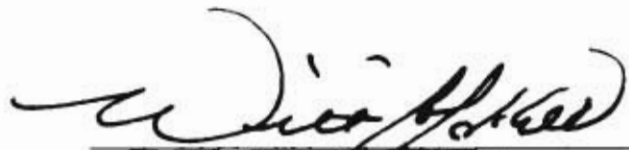
In the Matter of)
Coca Cola Company) MUR 919
Calorie Control Council)

INTERIM INVESTIGATIVE REPORT

On April 17, 1979, a call was placed to Craig Donsanto, attorney at the Department of Justice, regarding this matter. Mr. Donsanto informed us that the complainant's letter had just recently been turned over to the FBI and that there was no way to tell when the investigation would end. He added that upon the termination of Justice's involvement in this matter, all information it is able to release would be made available to us.

Upon receipt of new information from the Department of Justice, a full report and recommendation will be made to the Commission.

5/9/79
Date


William C. Oldaker
General Counsel

79040172369



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
DATE: MARCH 26, 1979
SUBJECT: MUR 919 (79) - Interim Investigative
Report dated 3-20-79; Signed by
GC 3-21-79; Received in OCS 3-23-79,
12:12

The above-named document was circulated on a 24
hour no-objection basis at 4:30, March 23, 1979.

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

79010172370

March 23, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 919

Please have the attached Interim Invest Report
distributed to the Commission.

Thankyou.

72040172371

BEFORE THE FEDERAL ELECTION COMMISSION
March 20, 1979

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 MAR 23 PI2: 12

In the Matter of)
Coca-Cola Company,)
Calorie Control Council)

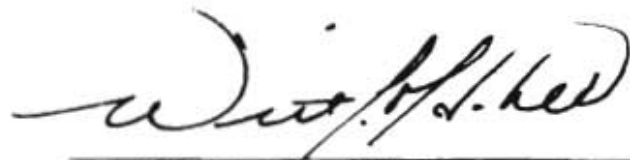
MUR 919 (79)

INTERIM INVESTIGATIVE REPORT

As we had not received a response from the Department of Justice to our letter advising that the Commission had opened a MUR in this matter, calls were placed to the Department attorney handling this matter on March 13 and March 20, 1979. We were advised that the matter came to the attention of Justice in a letter from a federal prisoner and that the F.B.I. was still investigating the matter. The complaint letter stated that Coca-Cola "laundered" political contributions through the Calorie Control Council. This information is unsubstantiated and the Department attorney stated that he does not expect it to develop into a matter worthy of prosecution.

We will make a full report when further information is received.

3/21/79
Date


William C. Oldaker
General Counsel

79040172372



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: MARCH 5, 1979
SUBJECT: MUR 919 (79) - Interim Investigative
 Report dated 2-28-79; Signed by GC
 3-1-79. Received in OCS 3-2-79, 11:02

The above-named document was circulated on a 24
hour no-objection basis at 4:30, Friday, March 2, 1979.

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

79040172373

March 2, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 911

Please have the attached Interim Invest Report
on MUR 919 distributed to the Commission.

Thank you.

7 9 0 1 0 1 7 2 3 7 4

BEFORE THE FEDERAL ELECTION COMMISSION
February 28, 1979

79 MAR 2 All: 02

In the Matter of the)
Coca-Cola Company,)
Calorie Control Council)


MUR 919 (79)

INTERIM INVESTIGATIVE REPORT

79040172375

A letter advising the Department of Justice of the Commission's determination to open a MUR in this matter was sent on February 7, 1979. This letter requested that the Department advise us as to whether the political contribution activities of the respondents are reflected on any reports on file with the Commission. To date, we have received no response to our letter, which was delivered to the Department on February 12, 1979. We will make a full report when we receive such a response.

1 March 1979
Date


William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

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

February 7, 1979

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department of
Justice
Washington, D.C. 20530

Re: Coca Cola Company,
Calorie Control Council
PBH:THH:CCD:ph
186-16-NEW

Dear Mr. Heymann:

This office is in receipt of your letter of January 8, 1979, informing us of your investigation of the Coca Cola Company and the Calorie Control Council regarding possible violations of 2 U.S.C. §441a(a), §441g and §441j. We note that §441j, rather than stating prohibitions, sets out possible penalties for knowing and willful violations of the Act upon conviction.

In view of this, and in view of the Commission's responsibilities under the Federal Election Campaign Act, we would appreciate being advised at this time of your reasons for believing that the matter involves criminal rather than civil violations. Finally, please advise us as to whether any of the contributions involved are reflected on reports which may be on file with the Commission and, if so, of the specifics of such information.

We have opened a file in this matter and numbered it MUR 919 (78). The attorney assigned to this matter is Gary D. Lipkin, who can be reached at 523-4175.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

79010172377

PS Form 3811, Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

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

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

2. ARTICLE ADDRESSED TO
Philip B. Heymann

3. ARTICLE DESCRIPTION
REGISTERED NO. *943945* CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE ☐ Addressee ☒ Authorized agent
Harrison Smith

4. DATE OF DELIVERY *2-12-79* POSTMARK *79 FEB 16*

5. ADDRESS (Complete only if requested)
*5705 MANNING
NORTH 3377 741111*

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-586

Lipkin MAR 9 1979

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department of
Justice
Washington, D.C. 20530

Re: Coca Cola Company,
Calorie Control Council
PBH:THH:CCD:ph
186-16-NEW

Dear Mr. Heymann:

This office is in receipt of your letter of January 8, 1979, informing us of your investigation of the Coca Cola Company and the Calorie Control Council regarding possible violations of 2 U.S.C. §441a(a), §441g and §441j. We note that §441j, rather than stating prohibitions, sets out possible penalties for knowing and willful violations of the Act upon conviction.

In view of this, and on view of the Commission's responsibilities under the Federal Election Campaign Act, we would appreciate being advised at this time of your reasons for believing that the matter involves criminal rather than civil violations. Finally, please advise us as to whether any of the contributions involved are reflected on reports which may be on file with the Commission and, if so, of the specifics of such information.

We have opened a file in this matter and numbered it MUR (78). The attorney assigned to this matter is Gary P. Lipkin, who can be reached at 523-4175.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

Gary P. Lipkin
2/2/79

79010172373

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Coca Cola Company)
Calorie Control Council)

PRE-MUR 23

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on February 6, 1979, the Commission approved by a vote of 5-0 the recommendation, as set forth in the General Counsel's Memorandum dated February 1, 1979, that a MUR file be opened for this matter and that the letter attached to the Memorandum be sent.

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

Attest:

2/6/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 2-1-79, 3:53
Circulated on 48 hour vote basis: 2-2-79, 3:00

79040172379



FEDERAL ELECTION COMMISSION

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 FEB 1 P 3: 53

February 1, 1979

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker *W.C.O.*

DATE: January 24, 1979

RE: Coca Cola Company, Calorie Control Council
Pre MUR 23

On January 10, 1979, we received a letter from Philip B. Heymann, Assistant Attorney General, Criminal Division, of the Department of Justice (attached). The letter advises us that pursuant to the Memorandum of Understanding between our two offices, the Department had received a complaint indicating that the Coca Cola Company and the Calorie Control Council (an association of manufacturers of dietetic products) may have contributed excessive amounts to Federal campaigns and that they may have done so in cash, in possible violation of 2 U.S.C. §441a(a) and 2 U.S.C. §441g. The letter goes on to state that the FBI has been asked to investigate this matter, and that after the conclusion of Justice's investigation and analysis, all information that can be released will be made available to us.

As a corporation, Coca Cola is prohibited from making any contributions to Federal campaigns rather than just "excessive" contributions, as the letter from Justice suggests. Coca Cola does have a registered PAC, the Nonpartisan Committee for Good Government (NCGG). A computer check reveals that NCGG contributed \$53,709 to a large number of Federal candidates in 1977-78, none of which appear excessive or illegal.

The Calorie Control Council (CCC) is an unincorporated trade association, headquartered in Atlanta, made up of the manufacturers of dietetic food products. The CCC is not registered with the Commission, nor does it have a PAC registered with us. Accordingly, we are not able to verify the CCC's contribution activity at this time.

February 1, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: Pre MUR 23

Please have the attached Memo distributed to the
Commission on a 48 hour tally basis.

Thank you.

79010172381

Our analysis of this matter would be aided if we knew whether the contributions in question are reflected on reports on file with the Commission. Accordingly, the attached proposed letter to the Department of Justice poses a question designed to elicit this information.

The referral letter indicates possible violations of 2 U.S.C. §441b as well as §441a(a) and §441g.

Recommendation

We recommend that a MUR file be opened for this matter and that the attached letter be approved.

ATTACHMENT

1. Referral letter
2. Letter to Department of Justice

79040172382

Scall

Re MUR 23 600#

7017



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number
PBH:THH:CCD:ph
186-16-NEW

79 JAN 10 AM 11:38

January 8 1979

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

Re: Coca Cola Corporation

900165

Dear Mr. Oldaker:

Pursuant to Paragraph 2 of our Memorandum of Understanding, this is to advise the Commission that the Department of Justice has received a complaint indicating that the Coca Cola Company and the Calorie Control Council may have contributed excessive amounts to Federal campaigns, and that they may have done so in cash in possible violation of 2 U.S.C. 441a(a) and 441g.

We have requested the Federal Bureau of Investigation to conduct a preliminary inquiry to ascertain whether violations of 2 U.S.C. 441j may be involved here. When we have concluded our investigation and prosecutive analysis of this matter, we will be pleased to make the details of this investigation available to the Commission to the extent permissible by law.

Sincerely,

PHILIP B. HEYMANN
Assistant Attorney General
Criminal Division

By:

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



FEDERAL ELECTION COMMISSION

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

Philip B. Heymann
Assistant Attorney General
Criminal Division
United States Department of
Justice
Washington, D.C. 20530

Re: Coca Cola Company,
Calorie Control Council
PBH:THH:CCD:ph
186-16-NEW

Dear Mr. Heymann:

This office is in receipt of your letter of January 8, 1979, informing us of your investigation of the Coca Cola Company and the Calorie Control Council regarding possible violations of 2 U.S.C. §441a(a), §441g and §441j. We note that §441j, rather than stating prohibitions, sets out possible penalties for knowing and willful violations of the Act upon conviction.

In view of this, and in view of the Commission's responsibilities under the Federal Election Campaign Act, we would appreciate being advised at this time of your reasons for believing that the matter involves criminal rather than civil violations. Finally, please advise us as to whether any of the contributions involved are reflected on reports which may be on file with the Commission and, if so, of the specifics of such information.

We have opened a file in this matter and numbered it MUR (78). The attorney assigned to this matter is Gary D. Lipkin, who can be reached at 523-4175.

Thank you for your cooperation.

Sincerely yours,

William C. Oldaker
General Counsel

Pre MUR 23

January 19, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: Referral from DOJ

Please have the attached Referral distributed to
the Commission on an informational basis.

Thank you.

7 9 0 1 0 7 2 3 5



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

7017

Address Reply to the
Division Indicated
and Refer to Initials and Number
PBH:THH:CCD:ph
186-16-NEW

79 JAN 10 AM 11:30

January 8 1979

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

Re: Coca Cola Corporation

900145

Dear Mr. Oldaker:

Pursuant to Paragraph 2 of our Memorandum of Understanding, this is to advise the Commission that the Department of Justice has received a complaint indicating that the Coca Cola Company and the Calorie Control Council may have contributed excessive amounts to Federal campaigns, and that they may have done so in cash in possible violation of 2 U.S.C. 441a(a) and 441g.

We have requested the Federal Bureau of Investigation to conduct a preliminary inquiry to ascertain whether violations of 2 U.S.C. 441j may be involved here. When we have concluded our investigation and prosecutive analysis of this matter, we will be pleased to make the details of this investigation available to the Commission to the extent permissible by law.

Sincerely,

PHILIP B. HEYMANN
Assistant Attorney General
Criminal Division

By:

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

PBH:THH:CCD:ph
186-16-NEW

January 8, 1978

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

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Sincerely,

PHILIP E. HEYMANN
Assistant Attorney General
Criminal Division

By:
THOMAS H. HENDERSON, JR.
Chief, Public Integrity Section

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

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79 JAN 10 AM 11:39

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

87



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 919

Date Filmed 12/27/79 Camera No. --- 2

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