

federal register

MONDAY, DECEMBER 1, 1975



PART V:

**FEDERAL
ELECTION
COMMISSION**



**ADVISORY OPINION
REQUESTS**

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FEDERAL ELECTION COMMISSION

[Notice 1975-85, AOR 1975-107—AOR 1975-109]

ADVISORY OPINION REQUESTS

In accordance with the procedures set forth in the Commission's Notice 1975-4, published on June 24, 1975 (40 FR 26660), Advisory Opinion Requests 1975-107 through 1975-109 are published today.

Interested persons wishing to comment on the subject matter of any Advisory Opinion Request may submit written views with respect to such requests on or before December 11, 1975. Such submission should be sent to the Federal Election Commission, Office of General Counsel, Advisory Opinion Section, 1324 K Street, NW., Washington, D.C. 20463. Persons requiring additional time in which to respond to any Advisory Opinion Request will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered by the Commission before it issues an advisory opinion. The Commission recommends that comments on pending Advisory Opinion Requests refer to specific AOR number of the Request commented upon, and that statutory references be to the United States Code citations, rather than to the Public Law Citations.

AOR 1975-107: PAYMENT FOR CONGRESSMAN'S TELEVISED NEWSLETTER (REQUEST EDITED BY THE COMMISSION)

Dear Chairman Curtis:

In the very near future, I plan to present on Providence television stations a news letter of the air, which will serve as a vehicle for indicating what I have done during the past year in the Congress. In essence, it is a report to the people of my district of my efforts on their behalf. I would appreciate it if you could advise me whether it is necessary to use campaign funds for payment at this time.

EDWARD P. BEARD,
Member of Congress.

Source: Honorable Edward P. Beard, House of Representatives, 131 Cannon House Office Bldg., (October 30, 1975.)

AOR 1975-108: ACTIVITIES OF CHAIRMAN OF U.S. LABOR PARTY SEEKING PRESIDENTIAL NOMINATION AND PAYMENTS TO OR BY NON-POLITICAL ORGANIZATIONS (REQUEST EDITED BY THE COMMISSION)

Gentlemen: I am writing to you on behalf of the U.S. Labor Party and its affiliated State Party organizations, and on behalf of the Committee to Elect Lyndon LaRouche, of which I am Treasurer.

I [request an advisory opinion] on a number of questions which relate generally to two circumstances: (1) The first is the existence of a U.S. Labor Party policy program supported by all U.S. Labor Party and State Labor Party candidates regardless of office sought. These candidates seek individually to further this program by means additional to their own election, including attempts to influence public opinion through public ap-

pearances and support for groups other than political committees as defined in 2 U.S.C. 431(d). (2) The second circumstance is Mr. Lyndon H. LaRouche, Jr.'s position as National Chairman of the U.S. Labor Party while he is simultaneously seeking U.S. Labor Party nomination to candidacy for the office of President of the United States. Mr. LaRouche is financing his Primary Period electoral activity through his own principle campaign committee, the Committee to Elect Lyndon LaRouche.

Thus, Mr. LaRouche and various other candidates for Federal and local office affiliated with the U.S. Labor Party, or its State party organizations, will from time to time make public appearances on behalf of causes not directly concerned with their electoral campaigns. They may at such appearances make appeals for contributions to organizations other than the U.S. Labor Party, or their respective principal campaign committees, with which they also happen to be individually affiliated or whose causes they individually support. Such appearances may indirectly affect voting patterns, particularly if the causes for which such individuals are speaking or the organizations they are endorsing have political goals similar to those of the U.S. Labor Party in the general realm of influencing public opinion or current legislation.

(1) Under what circumstances are the expenses incurred by the individuals in making such appearances to be accounted as campaign expenditures? That is, is there any reasonable means by which any potential influence on voting behavior can be computed?

(2) If the Commission rules that the expenses incurred by the individual candidates in such events are to be attributed to the U.S. Labor Party (or the candidates' respective principal campaign committees), must contributions obtained at such events for some other organization be considered as contributions by the U.S. Labor Party (or principal campaign committee) to that organization, thus transforming that organization into a political committee by its acceptance of a transfer of funds from a political committee (assuming the amount to be in excess of \$1,000.00)? I refer here specifically to organizations which otherwise would not be political committees, which do not receive contributions or make expenditures on behalf of influencing elections, and may be non-profit or even governmental agencies (e.g., chambers of commerce; university-based clubs or associations; legal defense and public interest groups; voluntary special interest associations).

(3) If such an organization itself pays for an appearance by Mr. LaRouche or a U.S. Labor Party candidate for other Federal office, for purposes of the financial or other benefit accruing to itself from the value of Mr. LaRouche's personal expertise in some matter of public interest, or from the general influence of the U.S. Labor Party, must such expenditures be considered as made on behalf of the LaRouche primary campaign (or some U.S. Labor Party General Election campaign if some other candidate is appearing), if his appearance at such an event has the effect of influencing subsequent voting behavior? As in Question (1), how in such a case would we compute the influence of the event in determining future voting?

(4) If Mr. LaRouche makes an appearance as principal spokesman for the U.S. Labor

Party in his capacity as Chairman, paid for by the U.S. Labor Party for the furtherance of its general program, must the expenses incurred by the U.S. Labor Party in organizing such an event be considered as a contribution to Mr. LaRouche's own Primary Period campaign for nomination, notwithstanding that he has not yet been nominated by the U.S. Labor Party and is otherwise financing his Primary campaign through a principle campaign committee other than the U.S. Labor Party or any of its affiliated committees?

RICHARD E. WELSH,
Treasurer.

Source: Richard E. Welsh, Treasurer, Committee to Elect Lyndon LaRouche, U.S. Labor Party, P.O. Box 1972, GPO, New York, New York 10001. (October 25, 1975.)

AOR 1975-109: PAYMENT BY AN ORGANIZATION COVERED IN 18 U.S.C. §§ 610, 611 FOR A MEMBER'S TRAVEL TO HOME STATE IN CARRYING OUT HIS DUTIES (REQUEST EDITED BY THE COMMISSION)

Dear Commissioners: On behalf of the National Republican Senatorial Committee and the National Democratic Senatorial Committee, we would like the Federal Election Commission to make an advisory legal opinion . . . on the following issue. AO 1975-8 says, in part:

Accordingly, once an individual (including an officeholder) becomes a candidate for federal office, all speeches made before substantial numbers of people . . . are presumably for the purpose of enhancing the candidacy . . . (40 FR 36747).

The question we would like to ask the Commission is whether an incumbent U.S. Senator, who has in writing authorized a committee, which is encouraging him to again seek the nomination, to raise funds, but who has not made a decision to seek reelection and has taken no steps to qualify on the ballot of his or her state, may accept travel expenses from organizations covered in 18 U.S.C. 610 and 611, to and from events or speaking engagements in his home state that are clearly within his duties as U.S. Senator and are not partisan political activities?

Two examples of this type of event are: a hearing on a specific topic which is under the jurisdiction of a subcommittee on which a Senator sits, or to participate in a round of public discussions on the role of the Federal government in providing inner cities with urban renewal funds.

Hon. J. Bennett Johnston
Hon. Ted Stevens

Source: Honorable J. Bennett Johnston, Chairman, Democratic Senatorial Campaign Committee, Room: 130 Russell Senate Office Bldg., Washington, D.C. 20510 and Honorable Ted Stevens, Chairman, National Republican Senatorial Committee, Room: 445 Russell Senate Office Bldg., Washington, D.C. 20510. (November 7, 1975.)

Dated: November 24, 1975.

THOMAS B. CURTIS,
Chairman for the
Federal Election Commission.

[FR Doc.75-32184 Filed 11-26-75; 8:45 am]



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