

The original documents are located in Box 29, folder “Unauthorized Campaign Committees” of the Robert T. Hartmann Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

June 10, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN
FROM: BARRY ROTH *BR*
SUBJECT: Unauthorized Campaign Committee

The following statutory provisions are relevant to the unauthorized formation of a committee in support of the President's running for office in 1976:

18 U.S.C. 608(b)(1):

"...no person shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$1,000."

18 U.S.C. 608(b)(2):

"No political committee (other than a principal campaign Committee) shall make contributions to any candidate with respect to any election for Federal office which, in the aggregate, exceed \$5,000."

18 U.S.C. 608(b)(4)(A):

"contributions to a named candidate made to any political committee authorized by such candidate, in writing, to accept contributions on his behalf shall be considered to be contributions made to such candidate."

Comment:

The legislative history for this latter section makes it clear that the requirement that the committee be authorized in writing was not intended to create a loophole whereby the candidate could indirectly receive contributions in excess of the various statutory limits, e.g., \$1,000 per individual contributor. Particular care is necessary to



show that no implied authorization is given to this committee that could later be used to attribute its contributions and expenditures to limitations imposed on the President by other provisions of the election laws.

18 U.S.C. 608 (h):

"No candidate or political committee shall knowingly accept or make any expenditure in violation of the provisions of this section. No officer or employee of a political committee shall knowingly accept a contribution made for the benefit or use of a candidate, or knowingly make any expenditure on behalf of a candidate, in violation of any limit imposed on contributions and expenditures under this section."

18 U.S.C. 608 (c)(1):

"No person may make any expenditure...relative to a clearly identified candidate during a calendar year which, when added to all other expenditures made by such person during the year advocating the election or defeat of such candidate, exceeds \$1,000."

Comment:

The \$1,000 limitation on contributions is applicable regardless of whether such contributions are made to an authorized campaign committee.

Section 302(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(e)) remains unchanged, and provides that:

"Any political committee which solicits or receives contributions



or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf, stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee. "

Recommendation: that you advise Mr. McDonnell by telephone that his committee has not been authorized by the President, and point out the above-cited statutory provisions, particularly those requiring publication on the face of literature that his committee is unauthorized by the President, and that the statute prohibits them from spending in excess of \$5,000 on behalf of President Ford's candidacy. This should be followed up with an appropriate letter of disclaimer, a copy of which should also be sent to the Federal Election Commission. //



DRAFT

PRESS RELEASE:

ALL MEDIA

FROM: Pierce McDonnell
890 National Press Bldg.
Washington, D.C. 20045
(202) 638-0516

Hold for June 5, 1975

CITIZENS' GROUP ENDORSE FORD



WASHINGTON -- "A nationwide citizens' group has endorsed President Gerald R. Ford as the Republican nominee for President," Pierce McDonnell, spokesman for the Ford Presidential Citizens' Organizing Committee, stated today.

"Our committee membership is drawn from a grassroots' citizen movement of moderate Democrats, loyal Republicans and Independents," Attorney McDonnell of Warrenton, Virginia, stated, who is a Washington lawyer. "We are represented in 50 states, in the Commonwealth of Puerto Rico and the District of Columbia. None of our Ford supporters are on public payrolls. We are independent-minded voters who believe that President Ford should be elected in his own right in 1976," Pierce McDonnell, Treasurer of the Committee concluded.

George Grabner, Chairman of the Board, Lamson & Sessions and former Trustee of Case Western Reserve University, Cleveland, Ohio, is a member of the Ford Presidential Citizens' Organizing Committee.

Grabner was a fund raiser for the Nixon-Agnew Campaign in 1972 in Ohio.

THE WHITE HOUSE
WASHINGTON

June 18, 1975

MEMORANDUM FOR: ROBERT HARTMANN

FROM: PHILIP BUCHEN *P.W.B.*

SUBJECT: Unauthorized Campaign Committee

After you handed me a copy of a proposed press release concerning a committee to support the election of the President being instigated by Pierce McDonnell, I had the attached legal memorandum prepared for me by Barry Roth. I also called Pierce McDonnell and cautioned him that any efforts he might make involving the solicitation of contributions or the making of expenditures on behalf of the President as a candidate for election in 1976 would require authorization in writing from the candidate or the statute would require a disclaimer on all literature and advertisements of the unauthorized committee and a \$5,000 limit on its expenditures.

From what I have learned about McDonnell, he is completely unreliable, and I hope I have turned him away from implementing his plans. He says he has not released any copies of his proposed press release to any media representatives.

Attachment

Phil:
*Do we need
to put disclaimers
on paper?*
BRH



*6/26/75
Returned orig.
of cover memo.
to Mr. Buchen,
Neto*