The original documents are located in Box 9, folder "Federal Election Campaign Act Amendments (6)" of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

Mr. Leppert / File

STATE AND PARTY REPORT 1 APR. 1976 4:17 PM PAGE 1

ROLL NO. 155

H R 12406 RECORDED VOTE CLOSED 1 APR. 1976 4:15 PM

AUTHOR(S):MR. HAYS OF OHIO ET AL.

RECOMMIT WITH INSTRUCTIONS

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

	AYES	NOES	PRES	NV
DEMOCRATIC	28	234		26
REPUBLICAN	125	12		7
OTHER				
TOTAL	153	246		33

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN
ALABAMA		
BEVILL	NAY	BUCHANAN YEA
FLOWERS	NV	DICKINSON YEA
JONES (AL)	NAY	EDWARDS (AL) YEA
NICHOLS	NAY	
ALASKA		
		YOUNG (AK) YEA
ARIZONA		
UDALL	NV	CONLAN YEA
		RHODES YEA
		STEIGER (AZ) YEA
ARKANSAS		
ALEXANDER	NAY	HAMMERSCHMIDT YEA
MILLS	NAY	
THORNTON	YEA	
CALIFORNIA		
ANDERSON (CA)	NAY	BELL NV
BROWN (CA)	YEA	BURGENER YEA
BURKE (CA)	NAY	CLAUSEN, DON H. YEA
BURTON, JOHN	NAY	CLAWSON, DEL YEA
BURTON, PHILLIP	NAY	GOLDWATER YEA
CORMAN	NAY	HINSHAW NV
DANIELSON	NAY	KETCHUM YEA
DELLUMS	NAY	LAGOMARSINO YEA
EDWARDS (CA)	NAY	MC CLOSKEY YEA
HANMAFORD	NAY	MOORHEAD (CA) YEA
HAWKINS	NAY	PETTIS YEA
JOHNSON (CA)	NAY	ROUSSELOT NAY
KREBS	NAY	TALCOTT YEA
LEGGETT	NAY	WIGGINS YEA
LLOYD (CA)	NAY	WILSON, BOB NV
MC FALL	NAY	
MILLER (CA)	NAY	
MINETA	NAY	
MOSS	NAY	
PATTERSON (CA)	NAY	
REES	NAY	
ROYBAL	NAY	
RYAN	YEA	
SISK	NAY	
STARK	NAY	
VAN DEERLIN	NAY	
WAXMAN	NAY	
WILSON, C. H.	NV	
COLORADO		
EVANS (CO)	NAY	ARMSTRONG YEA
SCHROEDER	NAY	JOHNSON (CO) NAY
WIRTH	NAY	

ROLL NO. 155

	DEMOCRATIC	**OTHER**	REPUBLICAN
CONNECTICUT			
	COTTER NAY		MC KINNEY YEA
	DODD NAY		SARASIN YEA
	GIAIMO NAY		
	MOFFETT NAY		
DELAWARE			
			DU PONT YEA
FLORIDA			
	BENNETT YEA		BAFALIS YEA
	CHAPPELL YEA		BURKE (FL) YEA
	FASCELL NAY		FREY YEA
	FUQUA NAY		KELLY YEA
	GIBBONS NAY		YOUNG (FL) YEA
	HALEY NAY		
	LEHMAN NAY		
	PEPPER NV		
	ROGERS YEA		
	SIKES NAY		
GEORGIA			
	BRINKLEY NAY		
	FLYNT NAY		
	GINN NAY		
	LANDRUM NAY		
	LEVITAS YEA		
	MATHIS NAY		
	MC DONALD NAY		
	STEPHENS NAY		
	STUCKEY YEA		
	YOUNG (GA) NV		
HAWAII			
	MATSUNAGA NAY		
	MINK NAY		
IDAHO			
			HANSEN NAY
			SYMMS NAY

ROLL NO. 155

DEMOCRATIC		**OTHER**	REPUBLICAN	
ILLINOIS				
ANNUNZIO	NAY		ANDERSON (IL)	YEA
COLLINS (IL)	NAY		CRANE	NAY
FARY	NAY		DERWINSKI	YEA
HALL	NAY		ERLENBORN	YEA
METCALFE	NAY		FINDLEY	YEA
MIKVA	NAY		HYDE	YEA
MURPHY (IL)	NAY		MADIGAN	YEA
PRICE	NAY		MC CLORY	YEA
ROSTENKOWSKI	NAY		MICHEL	YEA
RUSSO	NAY		O'BRIEN	YEA
SHIPLEY	NAY		RAILSBACK	YEA
SIMON	NAY			
YATES	NAY			
INDIANA				
BRADEMAS	NAY		HILLIS	YEA
EVANS (IN)	NAY		MYERS (IN)	YEA
FITHIAN	NAY			
HAMILTON	NAY			
HAYES (IN)	NV			
JACOBS	YEA			
MADDEN	NAY			
ROUSH	NAY			
SHARP	NAY			
IOWA				
BEDELL	NAY		GRASSLEY	YEA
BLOUIN	NAY			
HARKIN	NAY			
MEZVINSKY	NAY			
SMITH (IA)	NAY			
KANSAS				
KEYS	NAY		SEBELIUS	YEA
			SHRIVER	YEA
			SKUBITZ	YEA
			WINN	YEA
KENTUCKY				
BRECKINRIDGE	NAY		CARTER	YEA
HUBBARD	NAY		SNYDER	YEA
MAZZOLI	NAY			
NATCHER	NAY			
PERKINS	NAY			
LOUISIANA				
BOGGS	NAY		MOORE	YEA
BREAUX	NV		TREEN	YEA
HEBERT	NAY			
LONG (LA)	NAY			
PASSMAN	NAY			
WAGGONNER	NAY			

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN	
MAINE			
		COHEN	YEA
		EMERY	YEA
MARYLAND			
BYRON	YEA	BAUMAN	NAY
LONG (MD)	NAY	GUDE	YEA
MITCHELL (MD)	NAY	HOLT	YEA
SARBANES	NAY		
SPELLMAN	NAY		
MASSACHUSETTS			
BOLAND	NAY	CONTE	NAY
BURKE (MA)	NV	HECKLER (MA)	YEA
DRINAN	NAY		
EARLY	NAY		
HARRINGTON	NAY		
MACDONALD	NV		
MOAKLEY	NAY		
O'NEILL	NAY		
STUDDS	NAY		
TSONGAS	NAY		
MICHIGAN			
BLANCHARD	NAY	BROOMFIELD	YEA
BRODHEAD	NAY	BROWN (MI)	YEA
CARR	NAY	CEDERBERG	YEA
CONYERS	NAY	ESCH	YEA
DIGGS	NAY	HUTCHINSON	YEA
DINGELL	NAY	RUPPE	YEA
FORD (MI)	NAY	VANDER JAGT	YEA
NEDZI	NAY		
O'HARA	NAY		
RIEGLE	NAY		
TRAXLER	NAY		
VANDER VEEN	NAY		
MINNESOTA			
BERGLAND	NAY	FRENZEL	YEA
FRASER	NAY	HAGEDORN	YEA
KARTH	NV	QUIE	YEA
NOLAN	NAY		
OBERSTAR	NAY		
MISSISSIPPI			
BOWEN	YEA	COCHRAN	YEA
MONTGOMERY	YEA	LOTT	YEA
WHITTEN	NAY		

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN
MISSOURI		
BOLLING	NAY	TAYLOR (MO) YEA
BURLISON (MO)	NAY	
CLAY	NV	
HUNGATE	NAY	
ICHORD	NAY	
LITTON	NAY	
RANDALL	YEA	
SULLIVAN	NV	
SYMINGTON	NAY	
MONTANA		
BAUCUS	NAY	
MELCHER	NAY	
NEBRASKA		
		MC COLLISTER YEA
		SMITH (NB) YEA
		THONE YEA
NEVADA		
SANTINI	NAY	
NEW HAMPSHIRE		
D'AMOURS	NAY	CLEVELAND YEA
NEW JERSEY		
DANIELS (NJ)	NAY	FENWICK YEA
FLORIO	NAY	FORSYTHE YEA
HELSTOSKI	NAY	RINALDO NAY
HOWARD	NAY	
HUGHES	NAY	
MAGUIRE	NAY	
MEYNER	NAY	
MINISH	NAY	
PATTEN (NJ)	NAY	
RODINO	NV	
ROE	NAY	
THOMPSON	NAY	
NEW MEXICO		
RUNNELS	YEA	LUJAN YEA

ROLL NO. 155

DEMOCRATIC		**OTHER**	REPUBLICAN	
NEW YORK				
ABZUG	NAY		CONABLE	YEA
ADDABBO	NAY		FISH	YEA
AMBRO	NAY		GILMAN	NAY
BADILLO	NAY		HORTON	YEA
BIAGGI	NAY		KEMP	YEA
BINGHAM	NAY		LENT	YEA
CHISHOLM	NV		MC EWEN	YEA
DELANEY	NAY		MITCHELL (NY)	YEA
DOWNEY (NY)	NAY		PEYSER	NV
HANLEY	NAY		WALSH	YEA
HOLTZMAN	NAY		WYDLER	YEA
KOCH	NAY			
LAFALCE	NAY			
LUNDINE	NAY			
MC HUGH	NAY			
MURPHY (NY)	NAY			
NOWAK	NAY			
OTTINGER	NAY			
PATTISON (NY)	NAY			
PIKE	NAY			
RANGEL	NAY			
RICHMOND	NAY			
ROSENTHAL	NAY			
SCHEUER	NAY			
SOLARZ	NAY			
STRATTON	NV			
WOLFF	NAY			
ZEFERETTI	NAY			
NORTH CAROLINA				
ANDREWS (NC)	NAY		BROYHILL	YEA
FOUNTAIN	YEA		MARTIN	YEA
HEFNER	NAY			
HENDERSON	NV			
JONES (NC)	NAY			
NEAL	NAY			
PREYER	NAY			
ROSE	NAY			
TAYLOR (NC)	YEA			
NORTH DAKOTA				
			ANDREWS (ND)	YEA

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN
OHIO		
ASHLEY	NAY	ASHBROOK NAY
CARNEY	NAY	BROWN (OH) YEA
HAYS (OH)	NAY	CLANCY YEA
MOTTL	NAY	DEVINE YEA
SEIBERLING	NAY	GRADISON YEA
STANTON, JAMES V.	NV	GUYER NV
STOKES	NAY	HARSHA YEA
VANIK	NAY	KINDNESS YEA
		LATTA YEA
		MILLER (OH) YEA
		MOSHER YEA
		REGULA YEA
		STANTON, J. WILLIAM YEA
		WHALEN NAY
		WYLIE YEA
OKLAHOMA		
ALBERT		JARMAN YEA
ENGLISH	YEA	
JONES (OK)	YEA	
RISENHOOVER	NAY	
STEED	NAY	
OREGON		
AUCOIN	NAY	
DUNCAN (OR)	NAY	
ULLMAN	NAY	
WEAVER	NAY	
PENNSYLVANIA		
BARRETT	NV	BIESTER NV
DENT	NAY	COUGHLIN YEA
EDGAR	NAY	ESHLEMAN YEA
EILBERG	NAY	GOODLING YEA
FLOOD	NAY	HEINZ YEA
GAYDOS	NAY	JOHNSON (PA) NV
GREEN	NV	MC DADE NAY
MOORHEAD (PA)	NAY	MYERS (PA) YEA
MORGAN	NAY	SCHNEEBELI YEA
MURTHA	NAY	SCHULZE YEA
NIX	NV	SHUSTER YEA
ROONEY	NAY	
VIGORITO	NAY	
YATRON	NAY	
RHODE ISLAND		
BEARD (RI)	NAY	
ST GERMAIN	NAY	

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN
SOUTH CAROLINA		
DAVIS	NAY	SPENCE YEA
DERRICK	NAY	
HOLLAND	NV	
JENRETTE	NAY	
MANN	YEA	
SOUTH DAKOTA		
		ABDNOR YEA
		PRESSLER YEA
TENNESSEE		
ALLEN	NAY	BEARD (TN) YEA
EVINS (TN)	NAY	DUNCAN (TN) YEA
FORD (TN)	NAY	QUILLEN YEA
JONES (TN)	NAY	
LLOYD (TN)	NAY	
TEXAS		
BROOKS	NAY	ARCHER YEA
BURLESON (TX)	YEA	COLLINS (TX) YEA
DE LA GARZA	NAY	STEELMAN YEA
ECKHARDT	NV	
GONZALEZ	NAY	
HIGHTOWER	NAY	
JORDAN	NAY	
KAZEN	YEA	
KRUEGER	NV	
MAHON	YEA	
MILFORD	YEA	
PICKLE	YEA	
POAGE	YEA	
ROBERTS	YEA	
TEAGUE	NAY	
WHITE	NV	
WILSON, (TX)	NAY	
WRIGHT	NAY	
YOUNG (TX)	YEA	
UTAH		
HOWE	NAY	
MC KAY	NAY	
VERMONT		
		JEFFORDS YEA
VIRGINIA		
DANIEL, DAN	NAY	BUTLER YEA
DOWNING (VA)	NV	DANIEL, R. W. YEA
FISHER	NAY	ROBINSON YEA
HARRIS	NAY	WAMPLER YEA
SATTERFIELD	NAY	WHITEHURST YEA

ROLL NO. 155

DEMOCRATIC	**OTHER**	REPUBLICAN
WASHINGTON		
ADAMS	NAY	PRITCHARD YEA
BONKER	NAY	
FOLEY	NAY	
HICKS	NAY	
MC CORMACK	NAY	
MEEDS	NV	
WEST VIRGINIA		
HECHLER (WV)	YEA	
MOLLOHAN	NAY	
SLACK	NAY	
STAGGERS	NAY	
WISCONSIN		
ASPIN	NAY	KASTEN YEA
BALDUS	NAY	STEIGER (WI) YEA
CORNELL	NAY	
KASTENMEIER	NAY	
OBEY	NAY	
REUSS	NAY	
ZABLOCKI	NAY	
WYOMING		
RONCALIO	NAY	

* * * * * * * END OF REPORT * * * * * * *

Mr. Leppert FILE

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ROLL NO. 156

H R 12406 YEA-AND-NAY CLOSED 1 APR. 1976 4:33 PM

AUTHOR(S):MR. HAYS OF OHIO ET AL.

ON PASSAGE

FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS

	YEA	NAY	PRES	NV
DEMOCRATIC	227	34		27
REPUBLICAN	14	121		9
OTHER				
TOTAL	241	155		36

ROLL NO. 156

DEMOCRATIC	**OTHER**	REPUBLICAN
ALABAMA		
BEVILL	YEA	BUCHANAN NAY
FLOWERS	NV	DICKINSON NAY
JONES (AL)	NAY	EDWARDS (AL) NAY
NICHOLS	YEA	
ALASKA		
		YOUNG (AK) NAY
ARIZONA		
UDALL	NV	CONLAN NAY
		RHODES NAY
		STEIGER (AZ) NAY
ARKANSAS		
ALEXANDER	YEA	HAMMERSCHMIDT NAY
MILLS	YEA	
THORNTON	YEA	
CALIFORNIA		
ANDERSON (CA)	YEA	BELL NV
BROWN (CA)	YEA	BURGENER NAY
BURKE (CA)	YEA	CLAUSEN, DON H. NAY
BURTON, JOHN	YEA	CLAWSON, DEL NAY
BURTON, PHILLIP	YEA	GOLDWATER NAY
CORMAN	YEA	HINSHAW NV
DANIELSON	YEA	KETCHUM NAY
DELLUMS	YEA	LAGOMARSINO NAY
EDWARDS (CA)	YEA	MC CLOSKEY NAY
HANNAFORD	YEA	MOORHEAD (CA) NAY
HAWKINS	YEA	PETTIS NAY
JOHNSON (CA)	YEA	ROUSSELOT NAY
KREBS	YEA	TALCOTT NAY
LEGGETT	YEA	WIGGINS NAY
LLOYD (CA)	YEA	WILSON, BOB NV
MC FALL	YEA	
MILLER (CA)	YEA	
MINETA	YEA	
MOSS	YEA	
PATTERSON (CA)	YEA	
REES	YEA	
ROYBAL	YEA	
RYAN	NAY	
SISK	YEA	
STARK	YEA	
VAN DEERLIN	YEA	
WAXMAN	YEA	
WILSON, C. H.	NV	
COLORADO		
EVANS (CO)	YEA	ARMSTRONG NAY
SCHROEDER	YEA	JOHNSON (CO) NAY
WIRTH	YEA	

ROLL NO. 156

DEMOCRATIC		**OTHER**	REPUBLICAN	
CONNECTICUT				
COTTER	YEA		MC KINNEY	YEA
DODD	YEA		SARASIN	NAY
GIAIMO	YEA			
MOFFETT	YEA			
DELAWARE				
			DU PONT	YEA
FLORIDA				
BENNETT	NAY		BAFALIS	NAY
CHAPPELL	NAY		BURKE (FL)	NAY
FASCELL	YEA		FREY	NAY
FUQUA	YEA		KELLY	NAY
GIBBONS	YEA		YOUNG (FL)	NAY
HALEY	YEA			
LEHMAN	YEA			
PEPPER	NV			
ROGERS	NAY			
SIKES	YEA			
GEORGIA				
BRINKLEY	YEA			
FLYNT	YEA			
GINN	YEA			
LANDRUM	YEA			
LEVITAS	YEA			
MATHIS	YEA			
MC DONALD	NAY			
STEPHENS	YEA			
STUCKEY	YEA			
YOUNG (GA)	NV			
HAWAII				
MATSUNAGA	YEA			
MINK	YEA			
IDAHO				
			HANSEN	NAY
			SYMMS	NAY

ROLL NO. 156

DEMOCRATIC	**OTHER**	REPUBLICAN
ILLINOIS		
ANNUNZIO YEA		ANDERSON (IL) NAY
COLLINS (IL) YEA		CRANE NAY
FARY YEA		DERWINSKI NAY
HALL YEA		ERLENBORN NAY
METCALFE YEA		FINDLEY NAY
MIKVA YEA		HYDE NAY
MURPHY (IL) YEA		MADIGAN NAY
PRICE YEA		MC CLORY NAY
ROSTENKOWSKI YEA		MICHEL NAY
RUSSO YEA		O'BRIEN NAY
SHIPLEY YEA		RAILSBACK NAY
SIMON YEA		
YATES YEA		
INDIANA		
BRADEMAS YEA		HILLIS NAY
EVANS (IN) YEA		MYERS (IN) NAY
FITHIAN YEA		
HAMILTON YEA		
HAYES (IN) NV		
JACOBS NAY		
MADDEN YEA		
ROUSH YEA		
SHARP YEA		
IOWA		
BEDELL YEA		GRASSLEY NAY
BLOUIN YEA		
HARKIN YEA		
MEZVINSKY YEA		
SMITH (IA) YEA		
KANSAS		
KEYS YEA		SEBELIUS NAY
		SHRIVER NAY
		SKUBITZ NAY
		WINN NV
KENTUCKY		
BRECKINRIDGE YEA		CARTER NAY
HUBBARD YEA		SNYDER NAY
MAZZOLI YEA		
NATCHER YEA		
PERKINS YEA		
LOUISIANA		
BOGGS YEA		MOORE NAY
BREAUX NV		TREEN NAY
HEBERT NAY		
LONG (LA) YEA		
PASSMAN NAY		
WAGGONNER NAY		

ROLL NO. 156

DEMOCRATIC		**OTHER**	REPUBLICAN	
MAINE				
			COHEN	NAY
			EMERY	NAY
MARYLAND				
BYRON	NAY		BAUMAN	NAY
LONG (MD)	YEA		GUDE	YEA
MITCHELL (MD)	YEA		HOLT	NAY
SARBANES	YEA			
SPELLMAN	YEA			
MASSACHUSETTS				
BOLAND	YEA		CONTE	YEA
BURKE (MA)	NV		HECKLER (MA)	YEA
DRINAN	YEA			
EARLY	YEA			
HARRINGTON	YEA			
MACDONALD	NV			
MOAKLEY	YEA			
O'NEILL	YEA			
STUDDS	YEA			
TSONGAS	YEA			
MICHIGAN				
BLANCHARD	YEA		BROOMFIELD	NAY
BRODHEAD	YEA		BROWN (MI)	NAY
CARR	YEA		CEDERBERG	NAY
CONYERS	YEA		ESCH	YEA
DIGGS	YEA		HUTCHINSON	NAY
DINGELL	YEA		RUPPE	NAY
FORD (MI)	YEA		VANDER JAGT	NAY
NEDZI	YEA			
O'HARA	YEA			
RIEGLE	YEA			
TRAXLER	YEA			
VANDER VEEN	YEA			
MINNESOTA				
BERGLAND	YEA		FRENZEL	NAY
FRASER	YEA		HAGEDORN	NAY
KARTH	NV		QUIE	NAY
NOLAN	YEA			
OBERSTAR	YEA			
MISSISSIPPI				
BOWEN	NAY		COCHRAN	NAY
MONTGOMERY	NAY		LOTT	NAY
WHITTEN	YEA			

ROLL NO. 156

DEMOCRATIC		**OTHER**	REPUBLICAN	
MISSOURI				
BOLLING	YEA		TAYLOR (MO)	NAY
BURLISON (MO)	YEA			
CLAY	NV			
HUNGATE	NAY			
ICHORD	NAY			
LITTON	YEA			
RANDALL	NAY			
SULLIVAN	NV			
SYMINGTON	YEA			
MONTANA				
BAUCUS	YEA			
MELCHER	YEA			
NEBRASKA				
			MC COLLISTER	NAY
			SMITH (NB)	NAY
			THONE	NAY
NEVADA				
SANTINI	YEA			
NEW HAMPSHIRE				
D'AMOURS	YEA		CLEVELAND	YEA
NEW JERSEY				
DANIELS (NJ)	YEA		FENWICK	NAY
FLORIO	YEA		FORSYTHE	NAY
HELSTOSKI	YEA		RINALDO	YEA
HOWARD	YEA			
HUGHES	YEA			
MAGUIRE	YEA			
MEYNER	YEA			
MINISH	YEA			
PATTEN (NJ)	YEA			
RODINO	NV			
ROE	YEA			
THOMPSON	YEA			
NEW MEXICO				
RUNNELS	NAY		LUJAN	NAY

ROLL NO. 156

DEMOCRATIC		**OTHER**	REPUBLICAN	
NEW YORK				
ABZUG	YEA		CONABLE	NAY
ADDABBO	YEA		FISH	NAY
AMBRO	YEA		GILMAN	YEA
BADILLO	YEA		HORTON	YEA
BIAGGI	YEA		KEMP	NAY
BINGHAM	YEA		LENT	NAY
CHISHOLM	NV		MC EWEN	NAY
DELANEY	YEA		MITCHELL (NY)	NAY
DOWNEY (NY)	YEA		PEYSER	NV
HANLEY	YEA		WALSH	NAY
HOLTZMAN	YEA		WYDLER	NAY
KOCH	YEA			
LAFALCE	YEA			
LUNDINE	YEA			
MC HUGH	YEA			
MURPHY (NY)	YEA			
NOWAK	YEA			
OTTINGER	YEA			
PATTISON (NY)	YEA			
PIKE	YEA			
RANGEL	YEA			
RICHMOND	YEA			
ROSENTHAL	YEA			
SCHEUER	YEA			
SOLARZ	YEA			
STRATTON	NV			
WOLFF	YEA			
ZEFERETTI	YEA			
NORTH CAROLINA				
ANDREWS (NC)	YEA		BROYHILL	NAY
FOUNTAIN	YEA		MARTIN	NAY
HEFNER	YEA			
HENDERSON	NV			
JONES (NC)	NAY			
NEAL	YEA			
PREYER	YEA			
ROSE	YEA			
TAYLOR (NC)	YEA			
NORTH DAKOTA				
			ANDREWS (ND)	YEA

ROLL NO. 156

DEMOCRATIC	**OTHER**	REPUBLICAN
OHIO		
ASHLEY	YEA	ASHBROOK NAY
CARNEY	YEA	BROWN (OH) NAY
HAYS (OH)	YEA	CLANCY NAY
MOTTL	YEA	DEVINE NAY
SEIBERLING	YEA	GRADISON NAY
STANTON, JAMES V.	NV	GUYER NV
STOKES	YEA	HARSHA NAY
VANIK	YEA	KINDNESS NAY
		LATTA NAY
		MILLER (OH) NAY
		MOSHER NAY
		REGULA NAY
		STANTON, J. WILLIAM NAY
		WHALEN YEA
		WYLIE NAY
OKLAHOMA		
ALBERT		JARMAN NAY
ENGLISH	NAY	
JONES (OK)	NAY	
RISENHOOVER	NAY	
STEED	NAY	
OREGON		
AUCOIN	YEA	
DUNCAN (OR)	YEA	
ULLMAN	YEA	
WEAVER	YEA	
PENNSYLVANIA		
BARRETT	NV	BIESTER NV
DENT	YEA	COUGHLIN NAY
EDGAR	YEA	ESHLEMAN NAY
EILBERG	YEA	GOODLING NAY
FLOOD	YEA	HEINZ YEA
GAYDOS	YEA	JOHNSON (PA) NV
GREEN	NV	MC DADE YEA
MOORHEAD (PA)	YEA	MYERS (PA) NAY
MORGAN	YEA	SCHNEEBELI NAY
MURTHA	YEA	SCHULZE NAY
NIX	NV	SHUSTER NAY
ROONEY	YEA	
VIGORITO	YEA	
YATRON	YEA	
RHODE ISLAND		
BEARD (RI)	NV	
ST GERMAIN	YEA	

ROLL NO. 156

DEMOCRATIC		**OTHER**	REPUBLICAN	
SOUTH CAROLINA				
DAVIS	NAY		SPENCE	NAY
DERRICK	NAY			
HOLLAND	NV			
JENRETTE	YEA			
MANN	YEA			
SOUTH DAKOTA				
			ABDNOR	NAY
			PRESSLER	NAY
TENNESSEE				
ALLEN	YEA		BEARD (TN)	NAY
EVINS (TN)	YEA		DUNCAN (TN)	NAY
FORD (TN)	YEA		QUILLEN	NAY
JONES (TN)	YEA			
LLOYD (TN)	YEA			
TEXAS				
BROOKS	YEA		ARCHER	NAY
BURLESON (TX)	NAY		COLLINS (TX)	NAY
DE LA GARZA	YEA		STEELMAN	NV
ECKHARDT	NV			
GONZALEZ	YEA			
HIGHTOWER	YEA			
JORDAN	YEA			
KAZEN	YEA			
KRUEGER	NV			
MAHON	YEA			
MILFORD	NAY			
PICKLE	YEA			
POAGE	NAY			
ROBERTS	NAY			
TEAGUE	NAY			
WHITE	NV			
WILSON, (TX)	YEA			
WRIGHT	YEA			
YOUNG (TX)	NAY			
UTAH				
HOWE	YEA			
MC KAY	YEA			
VERMONT				
			JEFFORDS	NAY
VIRGINIA				
DANIEL, DAN	NAY		BUTLER	NAY
DOWNING (VA)	NV		DANIEL, R. W.	NAY
FISHER	YEA		ROBINSON	NAY
HARRIS	YEA		WAMPLER	NAY
SATTERFIELD	NAY		WHITEHURST	NAY

ROLL NO. 156

DEMOCRATIC	**OTHER**	REPUBLICAN
WASHINGTON		
ADAMS	YEA	PRITCHARD NAY
BONKER	YEA	
FOLEY	YEA	
HICKS	YEA	
MC CORMACK	YEA	
MEEDS	NV	
WEST VIRGINIA		
HECHLER (WV)	NAY	
MOLLOHAN	YEA	
SLACK	NAY	
STAGGERS	YEA	
WISCONSIN		
ASPIN	YEA	KASTEN NAY
BALDUS	YEA	STEIGER (WI) NAY
CORNELL	YEA	
KASTENMEIER	YEA	
OBEY	YEA	
REUSS	YEA	
ZABLOCKI	YEA	
WYOMING		
RONCALIO	YEA	

* * * * * * * END OF REPORT * * * * * * *

REPUBLICAN CLERK'S
REFERENCE COPY

JOE BARTLETT
H-220, U. S. CAPITOL

THE WHITE HOUSE

WASHINGTON

April 20, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: CHARLES LEPPERT, JR. CLJr.

SUBJECT: S. 3065 - Federal Election Campaign Act Amendments of 1976

Attached per your request are the Congressional responses to calls made by Pat Rowland and Tom Loeffler concerning recommendations on the above mentioned legislation.

Also attached for your information is a brief comparison of the present law and the provisions of S. 3065.

cc: Tom Loeffler
Pat Rowland

Rep. Charles E. Wiggins - Reached at 1:00 p.m. EST at his District office in
April 20, 1976 Fullerton, California.

Recommend that the President sign the FEC bill. He does not even think it is a "close call."

He believes that the bill is not significantly worse than the present law and that politically it would be difficult not to sign the bill as the other candidates for President would claim that President Ford is trying to keep the badly needed campaign funds dried up.

Congressman Wiggins sees only two issues which are significant and in both cases he feels that not only did we get the best we will ever get, but that the unions suffered greatly at the hands of the Conference Committee.

The two issues are:

1. The independence of the Commission -
   He feels this is more rhetoric than substance. Given the makeup of the Congress, legislation could not be drafted which would make the Commission independent. It has been demonstrated under the current law that if Senator Cannon or Rep. Hays want to influence the Commission, they can.

   Wiggins does not feel that this issue is enough of a concern to warrant a veto.

2. The political action committee issues -
   Wiggins concedes that the PAC section is not as good as present law, but he feels that any bill reported out would not allow for the so-called SUNPAC provisions. He feels that there are two real pluses in the PAC section;

   a. Anti-proliferation of contributions -
      While corporations and labor unions can have as many PACs as there are company divisions or union locals, all committees of the same national labor organization or corporation will be treated as one committee for the purpose of the contribution limits.

Wiggins feels this is a distinct disadvantage to the unions because there are more corporations than national unions.

b. The Packwood Amendment which requires reporting of union or corporation communications advocating the election or defeat of a candidate.

Wiggins says that he will sign the conference report. He expects a vote on Wednesday, April 28, and that there should be only about 75 votes against the measure unless the President indicates a veto and in that case, he predicts 125 votes against the measure.

Rep. John Rhodes -
April 20, 1976

Rep. John Rhodes returned my phone call at 1:30 p.m. from his home (presumably in Washington, D.C.).

Mr. Rhodes said he just received a copy of the bill and had not had time to read it. He stated he would call me tomorrow (Wednesday, April 21).

Rep. Bob Michel -
April 20, 1976

Rep. Michel is in his District. He is making calls outside of his office and his staff has been unable to locate him; however, phone calls have been left. He will call back.

CONGRESSIONAL COMMENTS ON FEC LEGISLATION - APRIL 20, 1976

Congressman Bill Frenzel

(Spoke personally with him via telephone at his district office, 4:45 p.m.)

Bill indicated that he has visited at length with Chuck Wiggins as to whether they should recommend that this legislation be signed or vetoed. It is Bill's opinion that the Conference Committee greatly improved the House and Senate passed versions of the bill.

He stated that a number of the "self serving" items had been deleted in Conference, particularly as related to the independence of the Commission. Even though the Commission is still not independent enough in Bill's opinion, he believes that very positive steps were taken during Conference.

According to Frenzel, the civil process sections have been greatly improved over the House passed version. In addition, the SUN PAK provisions are better than the House and Senate passed versions as a result of the expanded definition of "supervisory employees".

While Bill would rather have seen a simple extension as requested by the President, he believes the Conferees made a very conscious effort to come up with a better overall piece of legislation than was passed by either the House or the Senate. There were 155 votes against the House legislation, however because of the Conference action, Bill believes the President would have a difficult time sustaining a veto.

Congressman Bill Dickinson

In China until next Monday.

Congressman John Anderson

In Europe until next Monday.

Congressman Guy VanderJagt

In Europe until next Wednesday.

THE WHITE HOUSE

WASHINGTON

File

April 22, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN P.

SUBJECT: Conference Bill to amend the Federal Campaign Laws

I. Background

Attached at Tab A is a memorandum from Counsel of the President Ford Committee to Jim Connor of April 7, 1976 which reports the situation after the House and Senate had each passed separate and conflicting bills to make numerous amendments to the Federal Campaign Laws.

Attached at Tab B is a memorandum to you from me of April 14, 1976 which explains the major provisions of the bill as agreed to by the House-Senate Conference Committee. A comparison with Tab A shows that the Conference resulted generally in overcoming the worst features of each of the separate bills.

Counsel for the PFC and our office have since analyzed the draft conference report at length, and we have received comments from, and consulted with, Congressman Wiggins, minority staff of the Congress who worked on the legislation, representatives of business, and others.

The general consensus is that there are only two groups of provisions in the Conference Bill which cause any substantial concern, namely those which bear on the rule-making independence of the Commission and those which affect the campaign efforts by or for Corporations and Unions and their respective Political Action Committees (PAC's). These provisions are analyzed and evaluated in detail at parts II and III of this memorandum.

The changes made in contribution limitations as discussed in paragraph 1 of Tab B are not regarded as objectionable. The changes made in the enforcement provisions are generally regarded as an improvement over existing law. The new disclosure requirements for expenditures over $2,000 per election by Unions in communicating to members in favor of, or in opposition to, clearly identifiable candidates (as described in paragraph 2 of Tab B) are looked upon as a real plus. Raising the minimum contribution which must be reported, from over $10 per contributor to over $50, and requiring anonymity for contributions of $50 or less if they are solicited for PAC's by Corporations or Unions from persons outside of the usual groups to which they appeal could conceivably open the way to undetectable evasions of the law; but this is not regarded as a very serious objection.

II. Independence of Commission

A. Rules and Regulations -- The present law mandates that the Commission promulgate rules and regulations to carry out the administrative and judicial duties of the Commission. The law also provides that either House of Congress may disapprove the regulations within thirty (30) legislative days.

The Conference bill, on the other hand, provides that all regulations proposed to date by the Commission must be resubmitted to the Congress for review and will now be subject to a one-house vote, either section by section or in toto, within 30 legislative days. The bill expands the existing veto power of the Congress by providing that a regulation "...means a provision or series of inter-related provisions stating a single separable rule of law." The Conference Report indicates that this section is intended to permit disapproval of discrete, self-contained sections or subdivisions of proposed regulations but is not intended to permit the rewriting of regulations by piecemeal changes.

B. Advisory Opinions -- The present law permits the Commission to issue Advisory Opinions (AO's) with respect to whether any specific transaction or activity would constitute a violation of the election laws. The Conference Bill states that the Commission may only

issue an opinion concerning the application to a specific factual situation of a general rule of law stated in the Act or in the regulations.

The FEC General Counsel has informally indicated that the Commission is likely to avoid ruling on potentially controversial questions until regulations have been promulgated and not vetoed by Congress. Also, existing Advisory Opinions, which must be revised or incorporated in regulations if they do not conform to the Conference Bill, have an uncertain status. While this condition will not continue in the future when comprehensive regulations are in place, it does introduce further uncertainty into the present campaign.

The basic problem of allowing a one-house veto of Commission regulations is a carryover from the existing law, and you have already stated your view that such a veto provision is unconstitutional, as the Office of Legal Counsel at the Department of Justice has advised. Yet, the Conference Bill extends the degree and selectivity of Congressional control over Commission opinions and policies and thus further weakens the Commission's independence from Congress after the Supreme Court had ruled that the FEC must be an independently constituted Commission. This is especially critical for Republicans when the Congress is dominated by the opposite party, and at a time when the Commission members have felt sharp criticism from Congress.

Under these circumstances, you may not be in good position to rely on the lack of Commission independence as a ground for vetoing the Conference Bill, especially since the original Act, which you did sign, had the objectionable feature of a one-house Congressional veto over Commission regulations and when a Court challenge of the veto provision may ultimately correct the situation.

Notwithstanding these very realistic objections, the Bill's adverse effects on the independence of the Commission is likely the most acceptable basis for explaining a veto.

III. Effect on Corporations and Unions

A. Provisions regarding Corporations and their PAC's

The Conference Bill provides that a corporation may:

1. Use corporate funds to communicate on any subject with, and solicit voluntary contributions for their PAC's on an unlimited basis from, its shareholders and its executive or administrative personnel -- salaried and having policymaking, managerial, professional, or supervisory responsibilities -- and their families (hereinafter called "management employees").

2. Use corporate funds for a non-partisan registration or get-out-the-vote campaign aimed at its shareholders or management employees;

3. Use a payroll check-off plan for purposes of collecting permitted contributions for its PAC but must then make a similar plan available to unions for their PAC's at cost;

4. Allow only one trade association PAC to solicit the corporation's shareholders or management employees; and

5. Make solicitations twice a year by mail, at residence addresses, to any employee beyond those who are shareholders or management employees, if the solicitation is designed to keep anonymous the identity of contributors of less than $50.

B. Provisions regarding Unions and their PAC's

The Conference Bill provides that a union may:

1. Use dues funds to communicate on any subject with, and solicit voluntary contributions on an unlimited basis from, its members and their families; but for the first time unions must report costs, over $2,000 per election, of communications advocating the election or defeat of a clearly identified candidate;

2. Use dues funds for non-partisan registration or get-out-the-vote drives aimed at its members and their families;

3. Use at cost a payroll check-off plan or any other method of raising voluntary contributions from its members for its PAC that is permitted by law to corporations, if it is used by the corporation

or if the corporation has agreed to such use. (When a political check-off plan or other method is used in just one unit of a corporation, no matter how many units it has, any union with members in any other unit of the corporation may demand it from the corporation at cost with respect to its members. It is believed that COPE would then also be entitled to this check-off or other method at cost. This provision changes the effect of the National Labor Relations Act in permitting the use of check-offs other than for Union dues.); and

4. Make soliciations twice a year by mail, at residence addresses, to any shareholder or employee beyond those who are members of that union and their families, if the solicitation is designed to keep anonymous the identity of contributors of less than $50.

C. Provisions regarding both Corporations and Unions and their PAC's

The Conference Bill also provides:

1. That unions, corporations and membership organizations must report the costs directly attributable to any communication expressly advocating the election or defeat of a clearly identified candidate (other than a regular communication primarily devoted to other subjects not relating to election matters) to the extent they exceed, in the aggregate, $2,000 per election; and

2. For the non-proliferation of PAC's by treating all political committees established by a single international union and any of its locals, or by a corporation and any of its affiliates or subsidiaries, as a single political committee for the purpose of applying the contribution limitation -- $5,000 to candidates, $15,000 to the political parties. (Similarly, all of the political committees established by the AFL-CIO and its state and local central bodies (COPE's), or by the Chamber of Commerce and its state and local chambers, are considered a single political committee for this purpose.)

D. Industry Objections

Industry opposition to these provisions is generally based on its effects on labor-management relations and on the relative advantages provided labor. In particular, they assert the following:

(a) Corporate PAC's will be less effective than they are under current law because of the limitations imposed on classes of employees eligible for unlimited solicitation, the reduction to one trade association per corporation, and the overall chilling effect of the Bill.

(b) Lack of clarity in the statute and colloquies in conference suggest that corporations may have to provide the names and addresses of all non-union employees to unions. (If so, this would allow unions to gain access to employees in situations where they presently cannot, and thus use such information for purposes unrelated to the election law, e.g., organizing non-union employees);

(c) The breakdown between executive and administrative personnel and other employees will further the "us-them" mentality in the corporate organization;

(d) The definition of "executive or administrative personnel" is imprecise and will be difficult for corporations to interpret and may, because of the legislative history, exclude first-line supervisors, such as foremen and "straw" bosses, even though many are management employees for most other purposes under the labor laws;

(e) Corporations are prohibited from conducting non-partisan registration and get-out-the-vote campaigns directed at their rank and file employees, which may be unconstitutional. (This could affect existing programs in some corporations, such as Sears' "Good Citizenship Program");

(f) The twice-a-year solicitation by mail for non-management employees is virtually useless because personal contact or follow-up is usually

needed, and a check-off is not permitted since, among other reasons, anonymity of contributors cannot be assured; and

(g) The Bill bars unlimited solicitations by unions and management of all non-union and non-management workers, which may be unconstitutional.

E. Evaluation of Industry Objections

The only industry arguments which appear to warrant significant concern are (1) that corporations may have to make names and addresses of non-union employees available to the unions and (2) that their PAC's will be less effective than under the present interpretation of the current law. The statutory language generally supports the view that names and addresses need not be turned over to unions because they are not a "method of soliciting voluntary contributions or facilitating the making of voluntary contributions." (The "method" being the total process of mailing to a group of employees, which the Corporation can provide a union at cost without turning over the names and addresses separately for whatever use the union might make of them that is not related to the purpose of the campaign laws.) However, in the only related Conference discussion, Chairman Hays took the opposite view with respect to shareholders lists. Thus, this question is likely to be decided by the FEC in the form of either an advisory opinion or a regulation. How independent from Congress a Commission reconstituted by this Bill will be could determine the result, although a straight party split of the Commission's six members would prevent any decision. An unfavorable FEC opinion or regulation would most certainly be appealed to the Courts.

Although the Conference Bill reduces the potential subjects for unlimited solicitation of political contributions to corporate PAC's, so as to eliminate non-management employees who are not also shareholders, the bulk of such contributions would likely come in any event from shareholders and management employees because of their greater resources and their community of interest. Union members would not likely be a fruitful source for contributions to corporate PAC's and would be more costly to solicit by any means than the returns could justify. As for non-union and

non-management employees, even if twice-a-year mail solicitations do not appear a promising method, they will not be good sources for union solicitation either. Balancing or partially off-setting the relative advantages of unions are the non-proliferation provisions which will affect unions more than they will corporations. Likewise, unions will be affected more by reporting requirements for their costs of campaigning in favor of candidates by communications with their members, because this activity is much more common to unions than it is to corporations.

April 7, 1976

MEMORANDUM

TO: Jim Connor

FROM: Bob Visser
Tim Ryan

RE: Federal Election Campaign Act Amendments of 1976

The proposed amendments to the Federal Election Campaign Act passed by the Senate and House have now been sent to conference. At this juncture, it is our opinion that the Senate bill is far superior to the Hays bill recently passed by the House. However, even the Senate bill contains a number of major provisions which require revision and/or clarification in the legislative history. Accordingly, we would still recommend that the President consider vetoing this bill unless the following action is taken by the Conference and no additional objectionable provisions are included:

I. Independence of the Commission.

The most important aspect of any revision of Federal election campaign laws is, in our opinion, to insure the independence of the Federal Election Commission. In this regard, removal of the "one house veto" provisions from each of the bills is essential. However, the Congressional Campaign Committee staff has advised us that to expect any such accommodation by Chairman Hays is unrealistic.

The House amendments provide that the appropriate body of Congress may disapprove, in whole or in part, a proposed rule, regulation or advisory opinion reduced to regulation form, within thirty legislative days. On the other hand, the Senate bill provides for the "one house veto" for Commission regulations; there is no provision for an item veto or review of Advisory Opinions. The Senate version also changes the period for Congressional disapproval from thirty legislative days to thirty calendar days or fifteen legislative days.

Recommendation

If the Senate provision which essentially represents

the status quo comes out of Conference, it is acceptable although it would probably provoke further litigation. The House version would be totally unacceptable and would most likely be an independent basis on which to base a veto recommendation.

II. Political Action Committees.

A number of issues are presented within the general category of PAC's. We have continuously taken the position that the law must provide equal opportunity for political activity by corporation and unions. No longer will this field be preempted by COPE. Accordingly, we have concentrated on the structure of PAC's and limitations incumbent therein, and on the importance of the issue of non-proliferation.

Notwithstanding the fact that the relevant statutory provisions are ambiguous, we have been assured that both the House amendments and the Senate bill provide for the non-proliferation of all political action committees (PAC's). In particular, all qualified coporate and union PAC's will be limited to a $5,000 aggregate contribution per Federal candidate per election, even though there may exist more than one PAC within the corporate or union structure. In order to support this interpretation, the following statement submitted by Chairman Hays into the House Report will also be placed in the Conference Report:

> "All of the political committees set up by a single corporation and its subsidiaries would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by a single international union and its local unions would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All of the political committees set up by the AFL-CIO and all its State and local central bodies would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations;
>
> All the political committees established by the Chamber of Commerce and its State and local Chambers would be treated as a single political committee for the purposes of H.R. 12406's contribution limitations."

If this clarifying language is unacceptable, a complete reevaluation of our strategy, vis-a-vis this bill, will be necessary.

The general provisions on PAC's in each of the bills would restrict solicitations by Corporate PAC's to stockholders, executive (Senate-administrative) personnel and their families. The Senate bill, however, provides that two written solicitations per year to stockholders, officers, employees and their families may be made by a corporation or union or its respective PAC. In addition, the Senate bill states that any method of soliciting voluntary contributions or of facilitating the making of voluntary contributions which is utilized by a corporation must be made available to the unions. The Republican Conferees will attempt to limit this facilitation to a check-off provision which is supposedly what the Democrats and Unions desire. Such a limitation would also diminish the opportunity for misuse of this provision by Unions, e.g., as a tool in labor relations.

Other ancillary provisions, for example, the definition of employees with regard to the restriction regarding solicitation of subordinates and the availability of stockholder lists, must be clarified so that the opportunity for corporate solicitations is not jeopardized.

Recommendation

The Senate version with clarifying statements in the Report regarding non-proliferation of PAC's and the solicitation of subordinate employees with safeguards against coercion would most likely be acceptable to us.

III. Packwood Amendment.

The Packwood Amendment which passed in the Senate would require a corporation or union to report all expenditures over $1,000 for communications with stockholders, members or their respective families which expressly advocate the election of a Federal candidate. At present, there is no reporting requirement. Thus, the provision would be most helpful in closing a major loophole benefiting unions in the present law. Since disclosure is the most important aspect of the campaign election law, this provision would effectively close the circle so that all politically-related expenditures for Federal candidates would be reported to the Federal Election Commission.

However, we understand that such a reporting requirement would, as a practical matter, be too expensive and burdensome for unions to effectively comply and, accordingly, stands little chance of surviving in Conference.

Recommendation

Although a very important provision, the absence of this section in a final bill would not of itself support a veto recommendation. However, it is an important issue which is readibly understandable by the public.

IV. Limitations on Contributions and Expenditures.

Both the House and Senate provisions retain the $1,000 individual contribution limitation. The House version, however, provides that no person may make contributions to any political committee which exceeds $1,000 per calendar year. The Senate version, on the other hand, provides that a person may contribute $25,000 per calendar year to any political committee maintained by a political party but that they may not make contributions to any other political committee exceeding $5,000 in a calendar year. As a result of prior revisions of the House bill with regard to the contribution limitations, we believe that this aspect of the bill is negotiable and that Chairman Hays would be willing to accede to the limitations set forth in the Senate bill.

The House version maintains the current $5,000 maximum contribution by qualified political committees to a candidate and also sets forth a new limitation of $5,000 for contributions by a political committee to any other political committee in a calendar year. The existing law does not cover transfers between committees. The Senate version, on the other hand, would maintain the contribution restrictions on multi-candidate political committees at $5,000 to any one candidate per election but allow such political committees to contribute up to $25,000 per year to any other political committee maintained by a political party and contribute up to $10,000 to any other political committee in any calendar year. Finally, the Senate bill provides that the Republican or Democratic Senatorial Campaign Committees may contribute another $20,000 to candidates for the Senate.

Recommendation

We believe that the Senate bill's language with regard to contributions and expenditures by political committees is highly

preferable. Although the Senate version would place certain restrictions on transfers by a political committee to certain other political committees, we believe that the limits set forth in the Senate version are reasonable and would be acceptable.

V. Miscellaneous Provisions.

In addition to the above issues, there are numerous other minor changes and suggestions that we are directly conveying to counsel for the Congressional Campaign Committee staff who will be working with the minority members of the Conference Committee. Although certain of the minor revisions are important in terms of the particular provision involved, none are of fundamental importance to the President's decision regarding the election law amendments.

THE WHITE HOUSE

WASHINGTON

April 14, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN P.

SUBJECT: Reconstitution of the Federal Election Commission (FEC)

Yesterday, the House-Senate Conference Committee agreed in principle to a bill that reconstitutes the FEC by providing for six members appointed by you and confirmed by the Senate. The Conference will next meet on April 27 to approve the final bill and report. Based on drafts and colloquies during the Conference, the following are the major provisions of the bill:

1. New contribution limitations. The bill continues the present limits of $1,000 per election on contributions by individuals to federal candidates and $25,000 total per calendar year. Under the bill, an individual may give up to $20,000 in any calendar year to the political committees established and maintained by a national political party. An individual may only give $5,000 to any other political committee. Under the present law, the only limit on contributions to political committees not related to individual candidates is $25,000 per year. The bill continues the present $5,000 limit on contributions by multi-candidate committees to candidates for federal office, but establishes, for the first time, limits on the amounts which multi-candidate committees can transfer to the political committees of the parties ($15,000) or to any other political committee ($5,000). A special exemption is provided for transfers between political committees of the national, state or local parties.

The bill also allows the Republican or Democratic Senatorial Campaign Committee or the national committee of a political party, or any combination thereof, to give up to $17,500 per election to a candidate for the Senate. Under the old law, each committee could give only $5,000 and thus a maximum total of $10,000. However, Hays resisted attempts to give this same right to the Congressional campaign committees.

2. The Packwood Amendment. The bill also includes a modified version of the Packwood Amendment which for the first time requires corporations, labor organizations, and other membership organizations issuing communications to their stockholders, employees or members to report the cost of such communications to the extent they relate to clearly identifiable candidates. The threshold for reporting is $2,000 per election, regardless of the number of candidates involved. The costs applicable to candidates only incidentally referenced in a regular newsletter are not required to be reported. However, the costs of a special election issue or a reprint of an editorial endorsing a candidate would have to be disclosed. Thus, the costs of phone banks and other special efforts used by unions to influence elections would be disclosed, even though they are not considered to be campaign contributions.

3. Independence of the FEC. The bill limits the FEC's authority to grant new advisory opinions to those relating to specific factual situations and when it is not necessary to state a general rule of law. The FEC is given 90 days from enactment to reduce its old advisory opinions to regulations which are then subject to a one-House veto. Wayne Hays' intent is to control the decisions rendered by the Commission. Although the item veto remains in the law, it has been modified to permit the disapproval of only an entire subject under regulation, and not individual words or paragraphs of regulations.

One Republican member of the Commission has indicated that these limitations on advisory opinions are not as objectionable as thought because the Commission would issue regulations in any event to implement the criminal provisions of the old law which would be transferr

from Title 18 to Title 2 of the United States Code. Additionally, the 90-day period given to the Commission will mean that the regulations based on advisory opinions will most likely be submitted in late July. With the lengthy recesses we can expect this summer for the conventions and campaigns, Hays will have relatively little opportunity to get the House to veto any of the old advisory opinions. While persons may continue to rely on the advisory opinions, they do so at the risk that if vetoed by one House, they may be required to reverse earlier actions at great expense to their committee or campaign. This will have a chilling effect on candidates and their reliance on advisory opinions, and on the Commission and its ability to effectively and independently enforce the election laws.

4. Revision of SUNPAC. The bill revises the FEC's SUNPAC decision which had permitted unlimited solicitation by corporations of all its employees for contributions to a corporate political action committee. The bill permits corporations to instead solicit on an unlimited basis only executive officers and administrative personnel who are defined in the act to be salaried employees who have either policy making, managerial, professional, or supervisory responsibilities. The final version of the bill does not prohibit solicitations of an employee by his superior, but does prohibit the use of coercion or threat of job reprisal. Corporations and labor organizations will also be able to solicit all employees and shareholders twice a year. This solicitation must be conducted in a manner that neither the corporation nor labor union will be able to determine who makes a contribution of $50 or less as a result of such solicitation. This will require corporations to use banks or trustee arrangements for this purpose. This provision was designed to prevent the corporation from being able to use a check-off for non-executive employees. Only one trade association per corporation is allowed to solicit the executive personnel of a member corporation. The act also provides that whenever a check-off is used by a corporation for its PAC, then it must also be made available to the union at cost. Unless the corporation first establishes a check-off, the union may not demand it.

Most of the concerns of corporations have thus been resolved with the exception of whether a corporation must provide the union with a list of non-union employees for the purpose of permitting the unions to solicit all employees twice a year. The corporations are afraid that the employee's listing could be used to organize non-union plants and divisions of corporations. The statute

is silent on this point, but it is anticipated that unfavorable legislative history will be included in the Conference Report. It is quite possible that the corporations would prevail if this were taken to court. Corporations remain opposed to the SUNPAC revisions, although at this stage their objections are based more on emotion than on an analysis of the bill.

Note: The foregoing are only preliminary comments, and, after we see the exact text of the amendments and the complete Conference Report, we will provide a revised analysis.

MEMORANDUM

TO: White House Staff DATE: April 22, 1976

FROM: Bob Wager, Treasurer, BreadPAC
Bob Pyle, Consultant to BreadPAC

SUBJECT: Presidential Action on FECA Amendments of 1976 (S.3065)

Section 321 of the pending bill would impose unconstitutional restrictions on corporate communications and solicitation by corporate and industry political action committees. It also would provide preferential treatment for political funds established by membership organizations as compared to those established by industry trade organizations. Finally it would continue the favored position of labor union sponsored political activities and create potentially divisive political class warfare. Accordingly, we strongly urge the President to veto S.3065 and call upon the Congress to enact a simple bill reconstituting the Federal Election Commission.

The Limits on Communication

Section 321(b) (2) (A) would prohibit any corporate expenditures for communications on political subjects to rank and file employees, union or nonunion. Section 321(b) (2) (B) would outlaw nonpartisan registration and get-out-the-vote drives aimed at the same classes of employees. The first restriction violates the Constitution. As the Supreme Court said in Buckley v. Valeo:

> The First Amendment affords the broadest protection to such political expression in order "to assure the unfettered interchange

> of ideas for the bringing about of political and social changes desired by the people." Roth v. United States, 354 U.S. 476, 484 (1957). Although First Amendment protections are not confined to "the exposition of ideas," Winters v. New York, 333 U.S. 507, 510, (1948), "there is practically universal agreement that a major purpose of the Amendment was to protect the free discussion of governmental affairs, ... of course, including discussions of candidates..." Mills v. Alabama, 384 U.S. 214, 218 (1966). This no more than reflects our "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open." New York Times Co. v. Sullivan, 376 U.S. 254, 270 (1964). In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for the identities of those who are elected will inevitably shape the course that we follow as a nation. As the Court observed in Monitor Patriot Co. v. Roy, 401 U.S. 265, 272 (1971), "it can hardly be doubted that the constitutional guarantee has its fullest and most urgent application precisely to the conduct of campaigns for political office."
>
> The First Amendment protects political association as well as political expression. The constitutional right of association explicated in NAACP v. Alabama, 357 U.S. 449, 460 (1958), stemmed from the Court's recognition that "effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association." ... Buckley v. Valeo, Slip op., p. 9.

These principles clearly prohibit the restrictions on free speech and association which Congress has imposed in this Subsection.

The Justice Department has taken the position that the second restriction also infringes constitutional rights.

> We have long been of the opinion that 18 U.S.C. 610 cannot be applied to prohibit unions and corporations from using their general assets to engage in activities which are completely nonpartisan in nature consistently with the First Amendment. In this regard, such a prohibition would certainly have an effect on expression, albeit an indirect one. At the same time, we fail to see how the application of Section 610 to nonpartisan expenditures such as this serves any compelling Federal interest, or is even remotely related to either of the two purposes which the section was enacted to protect: i.e. to protect the integrity of the Federal elective system from the corrupting influence of infusions of vast aggregates of corporate and union wealth, and to protect the interests of minority stockholders and union members from having their monies used to support political candidates they personally oppose. Moreover, there is dicta in several cases decided under 18 U.S.C. 610 which, in our view, reflect a judicial recognition that this statute prohibits only the support of partisan political activity. ... Letter from Assistant Attorney General Richard L. Thornburgh to General Counsel John Murphy of the Federal Election Commission, November 3, 1975. Attached.

The restrictions imposed in these provisions are arbitrary and discriminatory. They violate the core of the First Amendment. They should not be sanctioned by the President, even though they have been in the law for many years.

The Restrictions on Solicitation

Section 321(b) (4) (A) (B) and (D) impose three severe restrictions on solicitations for political committees. Subsection (A) would prevent a corporate committee from

soliciting rank and file employees and their families and a union committee from soliciting stockholders or executives and their families. Subsection (B) eases this limitation a bit by allowing corporate committees to solicit union or nonunion personnel and their families twice a year in writing at their homes. It also authorizes unions to solicit corporate stockholders and executives in the same manner. Subsection (D) would permit an industry fund to solicit the executives of its member companies only after such solicitation has been "separately and specifically approved" by the corporation and it has not approved solicitation by more than one industry fund per year.

In the Justice Department letter referred to above, Assistant Attorney General Thornburgh indicated that solicitation to, and participation in, political funds is a constitutionally protected activity. See attached letter, p. 2-3. Accordingly, at least where the group to be solicited shares a close community of interest with the person soliciting them, Congress cannot cut off that person's solicitation without violating the constitutional rights of both those to be solicited and the one soliciting them. Buckley v. Valeo, supra at p. 9; NAACP v. Alabama, 357 U.S. 449 (1958).

This argument should invalidate Subsections (A) and (B) but there are additional unconstitutional restrictions contained in Subsection (D). First, the requirement that the member corporation approve solicitation of its stockholders

and executives amounts to private restraint on their freedom of expression and association. Cf. Thornhill v. Alabama, 310 U.S. 88 (1940). It would subject their political rights to a veto by their employer. Such restrictions have regularly been struck down. Buckley v. Valeo, supra at p. 9; NAACP v. Alabama, supra at 460.

Second, when a corporation is engaged in more than one business, as for example baking and poultry production, it would have to choose one industry fund over the other, thus denying those engaged in the business represented by the rejected fund, their right to political expression and association.

In Buckley v. Valeo the Supreme Court recognized that "contribution restrictions could have a severe impact on political dialogue if the limitations prevented candidates and political committees from amassing the resources necessary for effective advocacy." Slip op., p. 16. The Court upheld the contribution ceilings there, in part because they "require candidates and political committees to raise funds from a greater number of persons and to compel people who would otherwise contribute amounts greater than the statutory limits to expend such funds on direct political expression, rather than to reduce the total amount of money potentially available to promote political expression." Ibid.

But this restriction would do precisely what the Supreme Court indicated is impermissible. Many of the baker and

supplier firms which belong to the American Bakers Association have told us they will not authorize participation in BreadPAC due to this statutory restriction if the President signs S.3065. Our funds and those of other industry PACs, would clearly be substantially reduced below the point of effective advocacy.

The effect of Subsection (D) would be to compel a footrace between competing political funds each year for permission to solicit a firm's executives and stockholders. Surely the First Amendment rights of association and expression cannot be so obstructed.

Preferential Treatment of Membership Organizations

Section 321(b) (4) (C) authorizes membership organizations to establish political funds and to solicit contributions from their individual members. There are no restrictions such as those contained in Subsection (D), despite the fact that these individuals are in many instances employed by corporations. But due to the fortuitous fact that the individual rather than the corporation is the member of the organization, the political committee is able to escape the onerous restrictions contained in Subsection (D).

Yet there are no substantive differences between the membership organization PAC and the trade association PAC. The distinction is purely one of form. It results in arbitrary and capricious restrictions on the trade association PAC to their great disadvantage in the political process.

In summary, Section 321 is a crazy quilt pattern of unconstitutional and unwise restrictions on legitimate political activity. It provides adequate grounds for a veto of S.3065 by the President.

Labor's Advantage

It has been widely recognized that until the 1974 Campaign Financing Act Amendments, Labor enjoyed a distinct advantage in political fund raising. Part of the purpose of the 1974 Amendments was to establish parity between corporate and union political committees. The FEC recognized this and implemented the policy in the SunPAC case.

Immediately after that decision, Labor began efforts to overturn it. While the press and public were focusing on reconstitution of the Commission, and the funding of Presidential campaigns, Labor got the restrictions it wanted on corporate and industry political committees.

Labor has now carved out millions of employees, both union and nonunion, who are virtually immune from effective corporate and industry PAC fund raising efforts. It has created, in effect, a huge private preserve, where it is almost unchallenged in political activity. Management is left with a comparatively small pool of stockholders and executives. This result can only increase tensions between management and labor. It will surely create a more adversary situation between them. This is not in the national interest.

The Alternative

The President has a clear and simple alternative, the position he took immediately after the decision in Buckley v. Valeo. Congress should enact a bill limited to reconstituting the Federal Election Commission.

We recognize that a veto of the bill would result in some adverse editorials for a few days. But their impact could be effectively countered by a strongly worded veto message emphasizing the bill's unconstitutional provisions and grave political imbalance. Such a message could strike a responsive chord with the public and put great political pressure on Congress to pass a reconstitution bill quickly.

Then, public attention will immediately shift to Congress which will be forced to accede to the President. Within a month after Congressional action, the veto will have been forgotten by the electorate.

Though the President will receive some critical publicity for a short time, this could be outweighed by a gain in public esteem for maintaining a fair balance in the electoral system and protecting the constitutional rights of freedom of expression and association.

On the other hand, signing the bill would signal acceptance of Labor superiority in political fund raising and permanent restrictions on corporate and industry political activity. The next Congress will not loosen the ties which would bind corporate and industry PACs. The trend is to tighten them.

So unless the President vetoes this bill, business will have to live with at least these restrictions for a long time to come. But a veto would give the President's allies another chance to fight for their political rights before a hopefully more sympathetic 95th Congress, with a strong, elected Republican President in the White House. At the same time, the President will have greatly strengthened the forces which support him and his efforts to elect more Republicans to Congress.

Sustaining the Veto

If the President vetoes the bill, it will return first to the Senate for an override attempt. S.3065 passed the Senate 55-28 on March 24.

The 28 noes included 19 Republicans and 9 Democrats. Though 1 or 2 might switch on the override, most seem solid. From among the absentees, the Administration should be able to count on at least 5 votes - Brock, Curtis, Goldwater, Thurmond and Young.

Moreover, the Administration might be able to persuade up to 7 Republican Senators to support the President on the override. These include Beall, Hatfield, Packwood, Pearson, Schweiker, Stevens and Taft. Overall, it seems likely the President would be able to sustain the veto in the Senate.

The vote count is even better in the House. When the bill passed on April 1, 155 members opposed it, far more than

necessary to sustain the veto. Republicans voted 125-12 against it. With absentees, 140 votes would probably be sufficient to sustain the veto. Conservatively, it appears the President would have a small margin to spare in the House.

Conclusion

The President should veto S.3065. It is in his political interest to do so and the veto would be sustained.

Attachment

Assistant Attorney General
Criminal Division

Department of Justice
Washington 20530

November 3 1975

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

Re: Advisory Opinion Request 1975-23

Dear Mr. Murphy:

Reference is made to several informal discussions between our respective staffs concerning the referenced Advisory Opinion Request (A.O.R.), which has been submitted to the Commission by two political committees affiliated with the Sun Oil Corporation pursuant to 2 U.S.C. 437f, and to your draft Advisory Opinion which your staff was kind enough to make available to us for review and comment.

The A.O.R. seeks the views of the Commission on whether the Sun Oil Corporation may defray the administrative expenses of the two political committees consistent with 18 U.S.C. 610. The draft Advisory Opinion proposed by your staff would conclude that neither political committee may do so on the facts presented. For reasons described below, we disagree.

From the description provided in the A.O.R., SUN-EPA appears to us to represent an activity by the Sun Oil Corporation through which the corporation encourages its employees to participate in politics in general, including making personal contributions to candidates or political committees of their choice. To facilitate the latter, the corporation offers to its employees a convenient payroll deduction plan where the employee may request the payroll office to withhold a portion of his salary which is transmitted by the corporation to candidates or political committees designated by the contributing employee. Provided that the corporation in no manner suggests to the contributing employee the identity of certain candidates or committees which should be the beneficiaries of such personal contributions, provided that absolutely no pressure of any kind is applied to induce participation in the program, and provided corporate funds are not indirectly contributed to the ultimate recipients through such means as artificially inflating employees' salaries, we would tend to view the corporate disbursements effected to administer such a program as "non-partisan" in nature. That is to say, under these stringent circumstances, such corporate disbursements, in themselves, could not be said to favor one candidate for Federal office over his opposition, although the general objective of the program is certainly "political" in that it encourages employees to participate voluntarily in politics through personal contributions of the employees' own choosing.

We have long been of the opinion that 18 U.S.C. 610 cannot be applied to prohibit unions and corporations from using their general assets to engage in activities which are completely non-partisan in nature consistently with the First Amendment. In this regard, such a prohibition would certainly have an effect on expression, albeit an indirect one. At the same time, we fail to see how the application of Section 610 to non-partisan expenditures such as this serves any compelling Federal interest, or is even remotely related to either of the two purposes which the section was enacted to protect: i.e. to protect the integrity of the Federal elective system from the corrupting influence of infusions of vast aggregates of corporate and union wealth, and to protect the interests of minority stockholders and union members from having their monies used to support political candidates they personally oppose. Moreover, there is dicta in several cases decided under 18 U.S.C. 610 which, in our view, reflect a judicial recognition that this statute prohibits only the support of partisan political activity. See: United States v. Auto Workers, 352 U.S. 567 (1957); United States v. Pipefitters Local Union #562, 434 F.2d 1116, 1121 (8th Cir. 1970); United States v. Construction and General Laborers Local #264, 101 F. Supp. 869, 875 (D. Mo. 1951); Cort v. Ash, 496 F.2d 416 (3rd Cir. 1974), reversed on other grounds, 422 U.S. 66 (1975). Finally, the fact that the Hansen Amendment, added to Section 610 by the 1971 Federal Election Campaign Act, recognized a "non-partisan" exception only in the case of "voter registration drives" and "get-out-the-vote campaigns" which were directed at a corporation's stockholders and a union's members, is not dispositive of the matter. The 1971 amendatory language was intended primarily to codify pre-existing case law, which as indicated above recognized a broader "non-partisan" exception to this statute. United States v. Pipefitters Local #562, 407 U.S. 385 (1972). A construction of this language which would render it narrower than First Amendment requirements would be illogical and inconsistent with the rule of statutory construction that where possible statutes should be interpreted to achieve constitutional results.

SUN-PAC, from the description given in the A.O.R., would appear to us to satisfy all of the statutory requirements of a voluntary segregated fund, except that it intends to solicit the corporation's employees, as well as its stockholders and their families. The preliminary conclusion of your staff that this particular "segregated fund" is not among those permitted by 18 U.S.C. 610, as amended, seems to us to be predicated upon concern that the statutory text itself, given a strict reading, confines the "segregated fund" exception exclusively to funds which confine their solicitations to union members, corporate stockholders, and their respective families.

As indicated above, it has been our view that a strict reading of the scope of such limiting language, descriptive of an exception to a criminal statute, is not appropriate where it would lead to a result which infringes upon Constitutionally-protected activity. Here we note that at least one Circuit Court has addressed the concept of the segregated fund in Constitutional terms and concluded that members of a union have a right under the First Amendment

to associate together through a political committee affiliated with the union, to express themselves politically through such a committee, and that it would be a derogation of these First Amendment rights to prohibit the union from defraying the administrative expenses of such a committee or from controlling the disposition of any funds which it voluntarily raises from its membership. United States v. Pipefitters Local #562, 434 F.2d 1116, 1119-1121 (8th Cir. 1970), reversed on other grounds, 407 U.S. 385 (1972). Although this analysis was conducted in the context of union members, we suggest that it is equally applicable to any group of individuals which has a "special relationship" to the union or the corporation which is sponsoring the segregated fund in question. See: United States v. C.I.O., 335 U.S. 106, 121 (1948). While we recognize that there may be many grey areas presenting difficult questions as to whether a given class enjoys an adequately close affinity of interest with a given union or corporation so as to require that its segregated fund be permitted to solicit them, employees of a corporation (or the employees of a union for that matter) are certainly within this class. Indeed, very recently the Supreme Court has expressly held that 18 U.S.C. 610 does not prohibit a union-supported segregated fund from soliciting voluntary contributions from the union's employees. United States v. Pipefitters, 407 U.S. 385, 409. It is, therefore, only logical that the segregated fund exception to this section has the same reach with respect to corporations.

For these reasons, we would be disposed to decline prosecution under 18 U.S.C. 610 of any fact situation such as those described in Advisory Opinion Request 1975-23 concerning SUN-EPA and SUN-PAC.

Sincerely,

RICHARD L. THORNBURGH
Assistant Attorney General

April 27, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF

THROUGH: CHARLES LEPPERT, JR. CL

FROM: TOM LOEFFLER TL

SUBJECT: Request from Congressman Alan Steelman's Office

Over the weekend, Marvin Collins, Administrative Assistant to Congressman Steelman, contacted me to call our attention to a FEC legislative item of concern to Steelman. According to Marvin, if the pending FEC bill is signed into law, additional campaign funds from the Republican Senatorial Campaign Committee may be made available to senatorial candidates prior to their primaries. In light of the fact that the Texas primary will be on Saturday, May 1, Marvin expressed the Congressman's hope that if the President is so inclined and it is possible, that the bill be signed prior to the May 1 primary.