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FOR IMMEDIATE RELEASE

MARCH 1, 1975

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced his intention to nominate two persons to be members of the Federal Election Commission. These are new positions established by P.L. 93-443 of October 15, 1974 (Federal Election Campaign Practice Act Amendments of 1974). They are:

Thomas Curtis, of Clayton, Missouri, Senior Partner in the firm of Biggs, Curtis, Casserly and Barnes of St. Louis, Missouri. Mr. Curtis was a member of the 82nd through the 92nd Congress. Mr. Curtis is married to the former Susan R. Chivvis and they reside in Clayton, Missouri.

Neil Staebler, of Ann Arbor, Michigan, Fellow, Institute of Politics, Harvard University; Proprietor, Staebler & Son, Ann Arbor, Michigan; President, Michigan Capital and Service, Inc., Ann Arbor, Michigan. Mr. Staebler is a member of the Democratic National Committee. Mr. Staebler is married to the former Burnette Bradley and they reside in Ann Arbor, Michigan.

The purpose of the Federal Election Commission is to administer, seek to obtain compliance with, and formulate policy with respect to the Federal Election Campaign Practice Act Amendments of 1974. The Commission shall transmit reports to the President and to each House of Congress no later than March 31 of each year. Each such report shall contain a detailed statement with respect to the activities of the Commission in carrying out its duties, together with recommendations for such legislative or other actions as the Commission considers appropriate.

The Commission shall elect a chairman and vice chairman from among its members (other than the Secretary of the Senate and the Clerk of the House) for a term of one year.

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THE WHITE HOUSE
WASHINGTON

April 12, 1975

MEMORANDUM FOR:

JERRY JONES

FROM:

RODERICK M. HILLS

SUBJECT:

Swearing In of the Federal
Election Commission

Whether the Chief Justice should swear in the Federal Election Commission is a matter that should only be decided by him. Any advice from the White House on the subject could be regarded as presumptuous.

The President's attendance at a Swearing In at a Capital Hill ceremony is appropriate because it does show a unified government standing behind a cleaner electoral process. Since it is not the President's bill and since the Administration has severe doubts about its constitutionality, there is good reason for the President not to dominate the ceremony.

Our recommendation therefore is for Option 2 or 3 leaving the question of the Chief Justice's role for his decision.



THE WHITE HOUSE
WASHINGTON

April 12, 1975

TO: PHIL BUCHEN

FROM: JERRY ~~HOES~~

It is my understanding that a swearing-in ceremony has been scheduled on this for Monday. Do you agree given the legal question?

Could I please have your comments as soon as possible.

Thank you.



THE WHITE HOUSE
WASHINGTON

April 8, 1975

MEMORANDUM FOR DONALD RUMSFELD

THROUGH: WILLIAM N. WALKER *Wu*
FROM: HOWARD A. COHEN *HAC*
Subject: Swearing In of the Federal Election
Commission

ARC7

Mr. Curtis and I have discussed the possibilities of the President being involved in the swearing in ceremony of the FEC. The six nominees met informally last week and Mr. Curtis has been asked to investigate the prospects of a swearing in ceremony, particularly the involvement of the President and the Chief Justice. The purpose of this memorandum is to present the relevant background information necessary for a decision to be made regarding those issues.

Current Status:

The Senate is expected to confirm the six members of the FEC sometime this week. The members and the source of their appointment are:

- Tom Curtis of Missouri - President
- Neil Staebler of Michigan - President
- Robert O. Tiernan of Rhode Island -
Representative Tip O'Neil
- Vernon Thomson of Wisconsin -
Representative John Rhodes
- Joan D. Aikens of Pennsylvania - Senator Scott
- Thomas E. Harris of the AFL-CIO - Senator Mansfield

The House approved all six prospective members before they recessed.

The Lawsuit:

The constitutionality of the law creating the FEC is being challenged in the Federal District Court in the District of Columbia by Senator James Buckley, Gene McCarthy, Congressman Bill Steiger, Stewart Mott, and a number of organizations, including the New York Civil Liberties



Union and the American Conservative Union. Their lawsuit will be successful, in my opinion.

The lawsuit is an important factor to be considered in evaluating the participation of the President and the Chief Justice in the swearing in ceremony. To the best of my knowledge, there is no precedent for swearing in a Commission when their constitutionality is being litigated and the President did not push for the legislation.

While it is traditional for oaths to be administered by the judiciary, one may not want to support such a tradition for a matter pending in the courts. However, a law is presumed to be constitutional until the Supreme Court rules otherwise.

The Chairmanship:

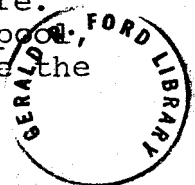
Mr. Curtis has been approached by three of the nominees with regard to his willingness to serve as Chairman. Under the law, "[T]he Commission shall elect a Chairman and a Vice Chairman from among its members (. . .) for a term of one year." Note, however, that no member may serve as Chairman more often than once during any six year term. Therefore, if Mr. Curtis is elected Chairman sometime in April, 1975, his term would expire in April, 1976.

The Vice Chairman may not be of the same political party as the Chairman. It is possible for a natural feeling to develop among the members that the Vice Chairman would become Chairman. A predictable, alternating system between the two parties would evolve. In short, the issue is whether you want to start-up under Mr. Curtis and have a Democratic Chairperson in 1976 or vice versa. Because I believe the law is invalid, I would recommend going with Mr. Curtis as Chairman now.

Options for a Swearing In Ceremony:

All of the options set forth have the individual Commissioners taking their oath in unison. That not only emphasizes the unity of the FEC, but, in my opinion, any other process would be awkward.

The ceremony should be at a high level with no fanfare. Press coverage should be limited to the White House pool, if possible. A dignified, low key ceremony should be the objective.



Option I: FEC members sworn in by Chief Justice at the White House. Congressional delegation attends. President Ford is the host.

Pros:

- The American governmental hierarchy stands together for improving and cleansing the electoral process.
- The stature of the FEC is assured.
- The optics are that a big step on the road back from Watergate is taken.
- President Ford is out in front on the clean elections issue. This is especially true since the ceremony is at the White House.

Cons:

- The Chief Justice may appear to be giving approval to a law which is almost certain to be decided by the Supreme Court.
- We perpetuate the President's identification with a questionable law.
- Identification with the FEC is too exclusively with the President.

Option II: Capitol Hill ceremony. Chief Justice administers the oath. President attends.

Pros and Cons: See Option I. This option would have the President in attendance, but he does not dominate the situation as he would if it were at the White House.

Option III: Capitol Hill ceremony. Speaker administers the oath. The Vice President, Majority Leader, or President Pro Tempore (Senator James O. Eastland) holds the Bible. Chief Justice does not attend. President attends.

Pros:

- The American political hierarchy stands together for improving and cleansing the electoral process.
- Avoids involving the Supreme Court, which will eventually decide the case.



- Stature of FEC assured.
- The optics are that a big step on the road back from Watergate is taken.
- President is not way out in front and does not dominate as in Option I.

Cons:

- We perpetuate the President's identification with a questionable law.
- Might highlight the constitutional issue because Supreme Court is not involved.

Option IV: Any ceremony which does not involve the President.

Pros:

- Identification of the President with a questionable law ends.
- The President does not sanction the FEC.

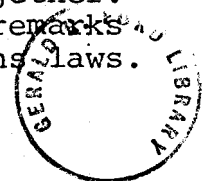
Cons:

- Neither the American political hierarchy nor the governmental hierarchy stand together for improving and cleansing the electoral process.
- The FEC is not given exceptional stature.
- President Ford loses any identification with cleaner elections he might have had.

Option V: A ceremony with the Congressional leadership and the Vice President, the only officer in the American system who is of the Executive and Legislative Branches.

Pros:

- The Administration remains identified with cleaner elections.
- Most of the political hierarchy stands together. The Vice President can make clear in his remarks the President's belief in cleaner elections laws.



- The President retains his options to comment on the issue during the campaign.
- The stature of the FEC is secured, but not at a level greater than that necessary for it to be credible.
- The Supreme Court is not identified with a law now being challenged in the Courts.

Cons: See Option IV.

OPINIONS

FEC:

Mr. Curtis, speaking for the FEC, would prefer to involve the President, but is uncertain about the Chief Justice because of the litigation. His colleagues want Option I or II.

President's Congressional Office:

They will discuss it at their staff meeting on Tuesday, April 8.

HAC: Option II

The Chief Justice can administer the oaths without losing his capacity to sit on the case if and when it gets to the Court.

The President should be identified with the work of the FEC. He signed the law and will not be able to disavow it without a clear statement of disavowal.

The law is presumed to be constitutional until the Court, the appropriate branch in our government for these matters, says otherwise.



FLASH

THE WHITE HOUSE

WASHINGTON

May 14, 1976

MEMORANDUM FOR: DICH CHENEY
FROM: DOUG BENNETT
SUBJECT: FEC Candidate

Bill Ruckelshaus turned down the offer this morning. In consultation with Jack Marsh, Phil Buchen, Hugh Scott and Mark Hatfield, we have put the following list together for the President's consideration. I would like to proceed with carte blanche approval to contact the individuals so designated by the President. Please advise.

Tom Kuchel Scott and Hatfield rate high
 No confirmation problem

Caleb Boggs Very, very good
 No trouble

Linwood Holton Very, very good
 Confirmable
 Possible Bill Scott problem

Wiley Mayne Very good

Hal Haskell Very good

Howard Robinson Very good

Bill Rogers Long shot but great

Don Brotzman Good, Rhodes supports

Norbert Tiemann Rog likes
 No confirmation problem
 Mel Laird - bad



Les Arends

Good

Wally Hickel

Possible taint from previous administration

Craig Hosmer

Hatfield - not good

Father Martin McManus
(resume attached)

Sounds brilliant
Might have some delay with confirmation
Hatfield says go with him

Bill Springer

Very good

Chet Mize

OK

John Sherman Cooper

Little bit old



A 4

Saturday, May 15, 1976

... R

THE WASHINGTON POST

Ruckelshaus Weighed As Chairman of FEC

By Stephen Isaacs

Washington Post Staff Writer

Buchen said. He said he had understood the commission

5/18/76

Ford Names Springer, 5 Old Members to FEC

By Warren Brown
Washington Post Staff Writer
President Ford nominated



term. However, he said yesterday that he is now in good health and capable of

[ca. 5/21/76]

The Senate has today completed the confirmation process, and I have appointed the six members of the Federal Election Commission in accordance with the Supreme Court's decision of last January.

Just over five months remain until the general elections in November.

These will be critical months for the new Commission, not only in terms of whether it will be able to function as a truly independent Commission but also in relation to the enormous task it faces to administer the new campaign laws in a manner that minimizes the confusion caused by their added complexity.

I am confident that this new Commission can successfully meet these challenges. For in the end, only fair and effective enforcement of the election laws will ^{help} ~~guarantee~~ ^{to feel} to the American people the trust and confidence that they must have in the political process for our democratic system to operate successfully.



Friday 5/21/76

**Meeting
5/21/76
3 p.m.**

**11:58 Barry advises there will be roll call vote at 12:05 --
Jerry Jones advises the ceremony will be at 3 o'clock
this afternoon. FEC group to be sworn in.**



FEC

Friday 5/21/76

12:10 Barry advises the President does not want a statement
on the FEC.



Friday 5/21/76

Swearing-in Ceremon
5/21/76
4 p.m.

12:55 The swearing-in ceremony for the members of the
FEC will be at 4 o'clock this afternoon in the
Rose Garden.



Friday 5/21/76

12:50 Mr. Friedersdorf's office advises that William Springer was confirmed 58-0.



THE WHITE HOUSE

WASHINGTON

May 21, 1976

SWEARING-IN CEREMONY FOR
MEMBERS OF THE FEDERAL ELECTION COMMISSION

Friday, May 21, 1976

4:00 p.m.

The Rose Garden

From: Philip W. Buchen *PW13*
Douglas P. Bennett *DPB*

A. BACKGROUND:

- October 15, 1974, you signed into law the Federal Election Campaign Act Amendments of 1974.
- April 1975, the Commission took office.
- January 30, 1976, the Supreme Court ruled that the appointment of the Commission members was unconstitutional and gave Congress 30 days to correct by providing for Presidential appointment of all six members.
- February 16, you submitted legislation to Congress and issued a statement calling for simple reconstitution of the FEC.
- February 27, the Supreme Court extended the deadline for Congressional action on the FEC until March 22.
- February 27, you issued a statement threatening veto of any bill that would invite further confusion and delay in this year's election campaigns.
- April 27, you issued a statement calling for Congress to quickly approve legislation along the lines of simple reconstitution.



- May 3, Conference Bill passed the House
- May 4, Conference Bill passed the Senate.
- May 11, you signed into law the Federal Election Campaign Act Amendments of 1976.
- May 17, you announced the nominations of the following individuals as members of the Commission:

Joan D. Aikens, (Term exp. 4/30/81), of Swarthmore, Pennsylvania, businesswoman in women's retailing and former President of the Pennsylvania Council of Republican Women. Originally appointed by the Senate.

Thomas Everett Harris, (Term exp. 4/30/79), of Alexandria, Virginia, member of the staff of the AFL-CIO since 1955. Originally appointed by the Senate.

Neil Staebler, (Term exp. 4/30/77), Ann Arbor, Michigan, Fellow, Institute of Politics, Harvard University, and former Congressman and Chairman of the Michigan Democratic Party. Originally nominated by you in March 1975.

William Springer, (Term exp. 4/30/77), of Champaign, Illinois, former member of Congress, appointed to the Federal Power Commission on June 4, 1974, and resigned December 1, 1975.

Vernon Wallace Thomson, (Term exp. 4/30/79), of Richland Center, Wisconsin, former Governor of Wisconsin and Representative from the Third District of Wisconsin. Originally appointed by the House.

Robert Owens Tiernan, (Term exp. 4/30/81), of Warwick, Rhode Island, former Representative from the Second District of Rhode Island. Originally appointed by the House.



- B. PARTICIPANTS: The members of the Commission and Justice William Brennan.
- C. PRESS PLAN: Open coverage.
- D. TALKING POINTS: (At Tab A)

