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*Pol
Activities
Copy to
Barry Roth.*

January 23, 1976

MEMO FOR: General Counsel
President Ford Committee

FROM: Roland L. Elliott
Director of Correspondence

I am herewith transmitting a Notice to Presidential Candidates dated January 19 from the Federal Election Commission for your information and appropriate handling. Thank you.

Attachment

✓ cc: Mr. Linder
cc: Legal Counsel's Office





FEDERAL ELECTION COMMISSION

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

January 19, 1976

NOTICE TO PRESIDENTIAL CANDIDATES AND PRESIDENTIAL CANDIDATE COMMITTEES

2 U.S.C. S434(a) (3) gives the Commission the authority to require that Presidential candidates and their committees file monthly reports. The Commission has included the requirement in its proposed disclosure regulations. Since the Act does not require that monthly reporting be promulgated as a regulation before the Commission may require it of candidates, this letter is the official notification that the Commission is requiring monthly reporting by all Presidential candidates (and their authorized committees) who are receiving contributions and making expenditures in more than one state. The first monthly report is due February 10, 1976, covering activities for the month of January.

Monthly reports must be filed by the tenth day of each month except November, December, and January of calendar year 1976 (this period being covered by the pre- and post-general election and January 31 reports). In order to be timely filed, monthly reports must be deposited as registered or certified mail, postmarked no later than midnight of the tenth day of each month. Reports sent by first class mail or delivered to the Commission must be received by the close of business on the filing date.

The monthly reporting requirement shall continue for Presidential candidates and their authorized committees until such time as the candidate files a statement with the Commission indicating that his or her name will not appear on any primary or general election ballot. After this statement is filed, the candidate and his authorized committees shall file reports on a quarterly and/or annual basis as prescribed in Part 105.4 of the FEC Regulations.

All reports filed for calendar year 1976 must be made on the new FEC forms, effective January 1, 1976. Previously issued forms are considered obsolete for reporting receipts and expenditures made after January 1, 1976. New forms will be mailed to Presidential candidates and committees within the next week.

If the Commission can be of further assistance to you in this matter, please do not hesitate to write or call (202/382-3484).

By:

Orlando B. Potter

Orlando B. Potter
Staff Director



Pol. Activities
copy to Barry

January 29, 1976

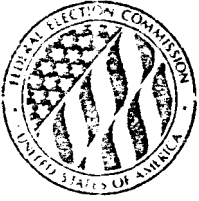
MEMO FOR: General Counsel
President Ford Committee

FROM: Roland L. Elliott
Director of Correspondence

Attached for your information and appropriate handling
is a letter to the President from the Federal Election
Commission dated January 26, 1976.

Attachment

cc: Mr. Linder
cc: Legal Counsel's Office ✓



FEDERAL ELECTION COMMISSION

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

January 26, 1976

The Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

This letter is to amplify one standard which the Commission will apply to determine if a contribution is matchable, and which was contained in my letter to you dated December 9, 1975.

The relevant section of that letter said:

"B. Contributions Received on or after August 21, 1975

"(i) for contributions received on or after August 21, 1975, a copy of each contribution check is required. If such check is not signed by each individual to whom all or a portion of such contribution is attributed, an accompanying written instrument containing the signature of such individual is required.

"(ii) examples of contributions in the latter category include:

- "a. cashier's checks
- "b. money orders
- "c. checks drawn on escrow accounts
- "d. checks drawn on partnership or other business accounts
- "e. checks signed by individuals other than those to whom the contribution is attributed."

The Commission will not certify to the Department of Treasury for matching payments any checks not meeting this standard received by the candidate on or after December 16, 1975.



The following criteria will be applied in determining whether the signatory of a check is sufficient for matching purposes:

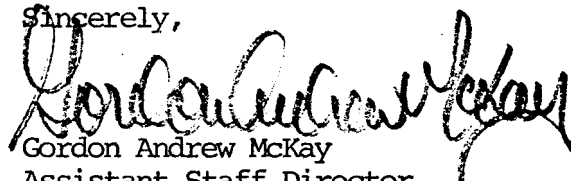
- 1(a). In the case of contributions made by check in an amount in excess of \$250, drawn on an account clearly maintained by two or more individuals, the signature of each person to whom all or a portion of such check is attributed would be required to verify his or her contribution, on the check or on an accompanying document.
- (b). Should the check drawn on an account clearly maintained by two or more individuals amount to \$250 or less, the signature of each person to whom all or a portion of such check is attributed would be required only when no portion of the check was attributed to the signatory of the check.
2. In the case of contributions drawn on accounts maintained in the name of one individual, the signature of each individual to whom all or a portion of the contribution is attributed would be required, irrespective of amount, on the check or on an accompanying document.

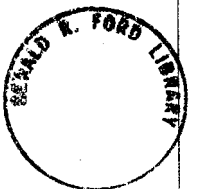
For checks received on or after August 21, 1975:

1. Contributions drawn on escrow or trust accounts and received on or after August 21, 1975, must have the contributor's signature thereon or on an accompanying document.
2. For each contribution drawn on and received from partnership or other business accounts on or after August 21, 1975, the check or an accompanying written document must contain a statement that the contribution represents the personal funds of the individuals to whom such funds have been attributed.

Should you have any questions regarding the matter noted above, please contact a member of my staff at (202/382-6023).

Sincerely,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance



cc: Mr. Robert C. Moot, Treasurer

*file
copy to
Bany*

February 10, 1976

**MEMO FOR: General Counsel
 President Ford Committee**

**FROM: Roland L. Elliott
 Director of Correspondence**

**Attached for your information and appropriate handling
are two letters to the President from the Federal Election
Commission dated February 3, 1976.**

Attachments

cc: Mr. Linder
cc: General Counsel's office ✓



FEDERAL ELECTION COMMISSION

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

February 3, 1976

The Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear President Ford:

RD
This is to inform you that after February 29, 1976, the Federal Election Commission may no longer have the authority to make certifications to the Secretary of the Treasury of entitlement to matching funds under the provisions of 26 U.S.C. 9034 and 9037 as a result of the Supreme Court's decision in Buckley v. Valeo on January 30, 1976.

Accordingly, Presidential candidates are invited to make submissions for matching funds on February 9, February 17, and February 23, 1976, rather than only on the first and third Monday of each month as previously scheduled.

Since the normal fifteen day review period must be allowed for submissions made after February 17, 1976, there can be no assurance that the review of such submissions will be completed by February 29, 1976. Please be assured, however, that the Commission will make every effort to process as many submissions as possible and that we will proceed in a fair and equitable manner with respect to those submissions which cannot be completely processed in the event our authority is not extended by Congress. The quality of submissions and the date upon which they are received will obviously have a substantial impact on the Commission's ability to certify your entitlement to matching funds.

Should you have questions concerning these matters, please do not hesitate to call Gordon Andrew McKay (202/382-6023).

Sincerely,

Orlando B. Potter
Staff Director

CC: Mr. Robert C. Moot
Treasurer, the President Ford
Committee





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463
February 3, 1976

Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

RK
encl
For your reference and information, please find enclosed a copy of the Commission's letter of January 29, 1976 to the Secretary of the Treasury formally certifying your entitlement to matching funds under 26 U.S.C. 9034 and 9037.

Please note that two Commission notices, i.e., the Notice of Unmatchable Contributions and the Notice of Insufficient Documentation, are being forwarded to a representative of your campaign committee. Those contributions not considered matchable on the Notice of Unmatchable Contributions represent apparent contributions prohibited from matching under 26 U.S.C. 9034, while those contributions on the Notice of Insufficient Documentation represent apparent contributions which would be considered matchable if sufficient documentation is submitted. The resubmission of such contributions should be separate and apart from the submission of contributions received by the committee in other periods.

Also forwarded to your committee representative are copies of supporting documents relating to the contributions received by The President Ford Committee which were included in your submission presented to the Commission on January 19, 1976 in the amount of \$189,299.21.

At the close of each month during the matching payment period as defined under 26 U.S.C. 9032(6), the Commission will provide each candidate a Statement of Presidential Primary Matching Fund Activity for the month detailing the amounts submitted for matching, U.S. Treasury payments to the candidate, and the amount of unmatchable contributions on the Notices of Unmatchable Contributions and Insufficient Documentation.

Should your committee have any questions with respect to the notices and procedures outlined above, please do not hesitate to contact Mr. Joe Stoltz at (202) 382-6023.

Sincerely yours,

Gordon Andrew McKay
Assistant Staff Director for
Disclosure and Compliance



CC: Mr. Robert C. Moot, Treasurer
The President Ford Committee
with aforementioned enclosures



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463
January 29, 1976

The Honorable William E. Simon
Secretary of the Treasury
Washington, D.C. 20220

Dear Mr. Secretary:

Pursuant to Chapter 96 of Title 26 of the United States Code, the Federal Election Commission today has certified (26 U.S.C. 9036) that the following Presidential Primary Candidate is entitled to presidential primary matching fund payments under Sections 9034 and 9037 (26 U.S.C. 9034 and 9037).

President Gerald R. Ford
Amount to be Disbursed: \$165,975.21

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. Curtis".

Thomas B. Curtis
Chairman

A handwritten signature in cursive script that reads "Neil Staebler".

Neil Staebler
Vice Chairman



A handwritten signature in cursive script that reads "Marjorie W. Emmons".

Marjorie W. Emmons
Secretary for the Commission



THE WHITE HOUSE
WASHINGTON

February 11, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP BUCHEN *P.*

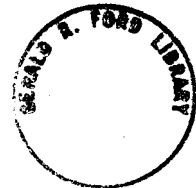
SUBJECT: Candidate Report of
Receipts and Expenditures

The Federal Election Campaign Act provides for separate reports of receipts and expenditures by the political committee supporting the candidate for election to federal office and the candidate.

Attached are the reports for your signature covering the periods from October 1 through December 31, 1975, and January 1 through 31, 1976. They were prepared by the PFC General Counsel who shares my understanding that you personally have neither accepted any contributions for your candidacy nor made any expenditures on your own for this purpose.

RECOMMENDATION

That you sign the attached reports.



[March 1976]
PFC

DRAFT

MEMORANDUM FOR:

FROM: PHILIP BUCHEN

SUBJECT: Statutorily Required Reports by Candidates
for Federal Office of Receipts and Expenditures

In addition to requiring certain reports of receipts and expenditures by political committees, 2 U.S.C. 434(a)(1) requires such reports to be filed by each candidate for election to Federal office. During non-election years, any individual who is a candidate for Federal office shall file an annual report after December 31 of that calendar year and not later than January 31 of the following calendar year (2 U.S.C. 434(a)(1)(B)). In addition to these annual reports, quarterly reports must be filed by the candidate not later than the tenth day following the close of any calendar quarter in which the candidate received contributions in excess of \$1,000, or made expenditures in excess of \$1,000 (2 U.S.C. 434(a)(1)(C)). The categories of information to be disclosed in such reports are specifically identified in 2 U.S.C. 434(b).



For the purpose of the Federal Election Campaign Act Amendments, P.L. 93-443, an individual becomes a candidate when he gives his consent for any other person to receive contributions or make expenditures, with a view to bring about his nomination for election,

or election" to Federal office (2 U.S.C. 431(b)(2)). Within this context, "person" includes an individual, committee or any organization or group of persons (2 U.S.C. 431(h)). In the case of President Ford, he became a candidate within the meaning of these sections on June 23, 1975, when he authorized the President Ford Committee to collect or expend funds on his behalf.

The above reports "shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year," the candidate shall file a statement to that effect. (2 U.S.C. 434(c)). The statute is therefore ambiguous as to the necessity that a quarterly report be filed for a quarter in which no contributions were accepted, or expenditures made, in excess of \$1,000, if a quarterly report had previously been required to be filed during that calendar year. However, the statute clearly does not require that a candidate file a quarterly report merely because he became a candidate during that quarter and he has not previously been required to file such a report.

*FEC
Copy to
Barry.*

March 4, 1976

**MEMO FOR: General Counsel
President Ford Committee**

**FROM: Roland L. Elliott
Director of Correspondence**

Attached for your information and appropriate handling is a letter to the President dated February 26 from the Federal Election Commission enclosing a copy of their letter of February 25 to the Secretary of the Treasury formally certifying the President's entitlement to matching funds under 26 U.S.C. 9034 and 9037.

Attachment

cc: Mr. Linder /
cc: Legal Counsel's Office





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463
February 26, 1976

Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear Mr. President:

For your reference and information, please find enclosed a copy of the Commission's letter of February 25, 1976 to the Secretary of the Treasury formally certifying your entitlement to matching funds under 26 U.S.C. 9034 and 9037.

*RK
encd*

Please note that two Commission notices, i.e., the Notice of Unmatchable Contributions and the Notice of Insufficient Documentation are being forwarded to a representative of your campaign committee. Those contributions not considered matchable on the Notice of Unmatchable Contributions represent apparent contributions prohibited from matching under 26 U.S.C. 9034, while those contributions on the Notice of Insufficient Documentation represent apparent contributions which would be considered matchable if sufficient documentation is submitted. The resubmission of such contributions should be separate and apart from the submission of contributions received by the committee in other periods.

Also forwarded to your committee representative are copies of supporting documents relating to the contributions received by The President Ford Committee which were included in your submission presented to the Commission on February 9, 1976 in the amount of \$290,090.97.

At the close of each month during the matching payment period as defined under 26 U.S.C. 9032(6), the Commission will provide each candidate a Statement of Presidential Primary Matching Fund Activity for the month detailing the amounts submitted for matching, U.S. Treasury payments to the candidate, and the amount of unmatchable contributions on the Notices of Unmatchable Contributions and Insufficient Documentation.

Should your committee have any questions with respect to the notices and procedures outlined above, please do not hesitate to contact Mr. Joseph Stoltz at (202) 382-6023.

Sincerely yours,

Gordon Andrew McKay
Gordon Andrew McKay
Assistant Staff Director for
Disclosure and Compliance



cc: Mr. Robert C. Moot
with aforementioned
enclosures



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463
February 25, 1976

The Honorable William E. Simon
Secretary of the Treasury
Washington, D.C. 20220

Dear Mr. Secretary:

Pursuant to Chapter 96 of Title 26 of the United States Code, the Federal Election Commission today has certified (26 U.S.C. 9036) that the following Presidential Primary Candidate is entitled to presidential primary matching fund payments under Sections 9034 and 9037 (26 U.S.C. 9034 and 9037).

President Gerald R. Ford
Amount to be Disbursed: \$279,659.70

Sincerely,

Thomas B. Curtis
Chairman

Neil Staebler
Vice Chairman

Marjorie W. Emmons
Secretary for the Commission



bcc: Rogers Morton w/Atch



Bakery advises Trudy
calls him when the form
is signed — we
can then send to Morton

Pager's Martin

THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR THE PRESIDENT

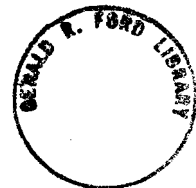
FROM: PHIL BUCHEN *P.*
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by March 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in February on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



Berry

THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by March 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in February on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



**Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office**

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) Gerald R. Ford		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N. W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on _____ (General, Primary, Runoff) (Date)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment (c) <input type="checkbox"/> July 10 report (e) <input type="checkbox"/> January 31 Report		
(b) <input type="checkbox"/> April 10 Report (d) <input type="checkbox"/> October 10 report (f) <input checked="" type="checkbox"/> Alternative Monthly Report		
(g) <input type="checkbox"/> Termination		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____ Through _____	Column A This Period	Column E Calendar Year-T
Section A - Cash Balance Summary		
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	\$
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	\$
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		
(c) Total expenditures subject to limitation		

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gerald R. Ford

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

For further
information

Federal Election Commission
1325 K Street, N.W.

Name of Candidate or Committee Gerald R. Ford		Report Covering the period From: 2/1/76 To: 2/28/76	
		Column A This Period	Column B Calendar year-to-date
Part I - Receipts			
15 Contributions and other Income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$			
(d) Subtotal of contributions and other income		\$ 0	\$ 0
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ 0	\$ 0
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ 0	\$ 0
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$ 0	\$ 0
19 Total Receipts		\$	\$
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ 0	\$ 0
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ 0	\$ 0
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ 0	\$ 0
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ 0	\$ 0
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ 0	
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ 0	

PFC

THE WHITE HOUSE

WASHINGTON

March 8, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by March 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in February on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



**Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office**

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) Gerald R. Ford		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N. W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on _____ (Date) (General, Primary, Runoff)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment (c) <input type="checkbox"/> July 10 report (e) <input type="checkbox"/> January 31 Report		
(b) <input type="checkbox"/> April 10 Report (d) <input type="checkbox"/> October 10 report (f) <input checked="" type="checkbox"/> Alternative Monthly Report		
(g) <input type="checkbox"/> Termination		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____ Through _____	Column A This Period	Column B Calendar Year-T
Section A - Cash Balance Summary		
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	\$
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gerald R. Ford

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

Detailed Summary Schedule of Receipts and Expenditures
(Page 2)

Name of Candidate or Committee Gerald R. Ford		Report Covering the period From: 2/1/76 To: 2/28/76	
		Column A This Period	Column B Calendar year-to-
Part I - Receipts			
15 Contributions and other Income:			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$)			
(d) Subtotal of contributions and other income	\$ 0	\$ 0	
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Subtotal of loans and loan repayments received	\$ 0	\$ 0	
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)	\$		
(b) Unitemized	\$		
(c) Subtotal of refunds, rebates, etc.	\$ 0	\$ 0	
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)	\$		
(b) From other Committees (Itemize all on Schedule A)	\$		
(c) Subtotal of transfers in	\$ 0	\$ 0	
19 Total Receipts	\$	\$	
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)	\$		
(b) Unitemized	\$		
(c) Subtotal of operating expenditures	\$ 0	\$ 0	
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)	\$		
(b) Unitemized	\$		
(c) Subtotal of loans and loan repayments made and contribution refunds	\$ 0	\$ 0	
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)	\$		
(b) Unitemized	\$		
(c) Subtotal of fundraising expenditures	\$ 0	\$ 0	
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)	\$		
(b) To Other Committees (Itemize all on Schedule B)	\$		
(c) Subtotal of transfers out	\$	\$	
24 Total Expenditures	\$ 0	\$ 0	
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)	\$		
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)	\$ 0		
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)	\$ 0		
28 Less Transfers In (from line 18(a))	\$		
29 Net Receipts	\$		
30 Total Expenditures (from line 24)	\$		
31 Less Transfers out (from line 23(a))	\$		
32 Net Expenditures	\$ 0		

THE WHITE HOUSE

WASHINGTON

March 31, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

PHIL BUCHEN *P.*

SUBJECT:

Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by April 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in March on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) Gerald R. Ford		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N.W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on _____ (Date) (General, Primary, Runoff)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment (c) <input type="checkbox"/> July 10 report		
(b) <input type="checkbox"/> April 10 Report (d) <input type="checkbox"/> October 10 report		
(e) <input type="checkbox"/> January 31 Report		
(f) <input checked="" type="checkbox"/> Alternative Monthly Report		
(g) <input type="checkbox"/> Termination		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____ Through _____		
Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	Not Applicable
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list) \$		
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gerald R. Ford (Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

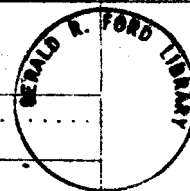
For further
information
Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

Name of Candidate or Committee Gerald R. Ford		Report Covering the period From: 3/1/76 To: 3/31/76	
		Column A This Period	Column B Calendar Year 1976
Part I - Receipts			
15 Contributions and other income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$			
(d) Subtotal of contributions and other income		\$ 0	\$ 0
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ 0	\$ 0
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ 0	\$ 0
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ 0	\$ 0
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ 0	\$ 0
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ 0	\$ 0
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ 0	\$ 0
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ 0	\$ 0
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ 0	0
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$ 0	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$ 0	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ 0	



THE WHITE HOUSE

WASHINGTON

March 31, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

PHIL BUCHEN *P.*

SUBJECT:

Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by April 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in March on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) Gerald R. Ford		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N.W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on — (General, Primary, Runoff) (Date)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment (c) <input type="checkbox"/> July 10 report		
(b) <input type="checkbox"/> April 10 Report (d) <input type="checkbox"/> October 10 report		
(e) <input type="checkbox"/> January 31 Report		
(f) <input checked="" type="checkbox"/> Alternative Monthly Report		
(g) <input type="checkbox"/> Termination		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____ Through _____	Column A This Period	Column B Calendar Year-To-Date
Section A - Cash Balance Summary		
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	Not Applicable
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gerald R. Ford

(Signature of Treasurer or Candidate)

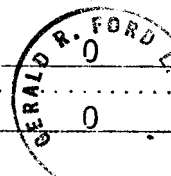
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

Name of Candidate or Committee Gerald R. Ford		Report Covering the period From: 3/1/76 To: 3/31/76	
Part I - Receipts		Column A This Period	Column B Calendar year-to-date
15 Contributions and other income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$			
(d) Subtotal of contributions and other income		\$ 0	\$ 0
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ 0	\$ 0
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ 0	\$ 0
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ 0	\$ 0
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ 0	\$ 0
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ 0	\$ 0
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ 0	\$ 0
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ 0	\$ 0
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ 0	0
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$ 0	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$ 0	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ 0	




THE WHITE HOUSE

WASHINGTON

April 23, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHILIP W. BUCHEN 

SUBJECT: Suit to Order Payment of Federal Matching Funds

As you know, seven Presidential candidates -- Carter, Church, Harris, Jackson, Reagan, Udall and Wallace -- yesterday lodged pleadings with the Supreme Court arguing that the cessation of matching fund payments has severely impaired their First Amendment interests and those of the voters and taxpayers. Although the procedural situation is confused, the candidates have moved the Supreme Court for (1) leave to intervene in Buckley v. Valeo, (2) expedited consideration of their request, and (3) recall and modification of the Court's earlier judgment so as to permit the FEC to make certifications necessary for the Secretary of the Treasury to pay matching funds regardless of Congressional action on the pending FEC bill. A motion to intervene was simultaneously filed in the U.S. Court of Appeals for the District of Columbia. In addition, the DNC has lodged a memorandum with the Supreme Court as amicus in support of the candidates.

This morning, the Appeals Court issued an order deferring to the Supreme Court on the relief requested, but advising the Supreme Court that it would grant the motion to intervene if allowed to do so. The Supreme Court is in conference today and has sent for the Appeals Court's Order. While the Supreme Court could still deny leave to intervene, the Justice Department notes that the Court might feel more constrained to reach the merits of the candidates' motion for relief. Nevertheless, Justice believes that the Supreme Court will deny relief on the merits.

I will keep you advised of any further developments.



THE WHITE HOUSE

WASHINGTON

May 4, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*

SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by May 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in April on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) Gerald R. Ford		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N. W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on -- (General, Primary, Runoff) (Date)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment (c) <input type="checkbox"/> July 10 report (e) <input type="checkbox"/> January 31 Report		
(b) <input type="checkbox"/> April 10 Report (d) <input type="checkbox"/> October 10 report (f) <input checked="" type="checkbox"/> Alternative Monthly Report		
(g) <input type="checkbox"/> Termination		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From _____ Through _____		
Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year To-Date
6 Cash on hand January 1, 19____		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	Not Applicable
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$



I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

Gerald R. Ford

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

Name of Candidate or Committee Gerald R. Ford		Report Covering the period From: 4-1-76 To: 4-30-7	
Part I - Receipts		Column A This Period	Column B Calendar year to-
15 Contributions and other Income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$			
(d) Subtotal of contributions and other income		\$ -0-	\$ -0-
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ -0-	\$ -0-
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ -0-	\$ -0-
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ -0-	\$ -0-
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ -0-	\$ -0-
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ -0-	\$ -0-
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ -0-	\$ -0-
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ -0-	\$ -0-
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ -0-	\$ -0-
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$ -0-	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$ -0-	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ -0-	

THE WHITE HOUSE
WASHINGTON

Date 5/14/76

TO: Phil Buchen

FROM: BARRY ROTH *BR*

ACTION:

Approval/Signature

Comments/Recommendations

_____ ✓ _____

For Your Information

REMARKS:





FEDERAL ELECTION COMMISSION

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

May 12, 1976

MEMORANDUM TO: Vice Chairman Staebler

FROM: John G. Murphy, Jr. *JGM*

SUBJECT: Status of Present Commissioners on
and after Enactment of New Law

Issues:

1. Whether the Commission established by the 1976 Amendments to the Federal Election Campaign Act of 1971 comes into existence when a majority of the Commissioners have been appointed and confirmed?
2. Whether any existing Commissioner, who is not reappointed, may continue to serve beyond the date when a majority of new Commissioners appointed under the 1976 Amendments are qualified to assume office?

Conclusion:

A new Federal Election Commission is created once there is Presidential appointment and Senate confirmation of a majority of the Commissioners. This new Commission, sitting with at least four constitutionally-appointed members, has the authority to proceed with its powers and duties under the Federal Election Campaign Act and its 1976 Amendments.

Furthermore, it is reasonable to conclude, even though the new Act is silent and its legislative history ambiguous on the question of when the terms of pre-1976 Commissioners expire, that once a majority of the new Commissioners are appointed and confirmed the terms of the present unappointed Commissioners end.

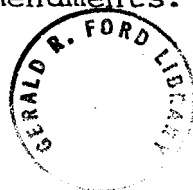


Discussion:

1. The first question to be answered, in determining when the new Federal Election Commission comes into existence, is what number of Commissioners is necessary to transact Commission business. Roberts Rules of Order states in the absence of a statutory directive a quorum is a majority of the entire membership. The general rule is - once the quorum is reached, all business of a particular body may be validly transacted by a majority vote, unless other contrary provisions apply.

Support for the position that a majority of the membership constitutes a quorum, and that a majority of the quorum may validly act for the entire body is FTC v. Flotill Products, Inc., 88 S. Ct. 401 (1967). In that case a cease and desist order, issued by two of the three Commissioners who heard the case was challenged for not being the order of a majority of the five-membered Commission. The Supreme Court upheld the order on the basis of the common law rule that, absent a contrary statutory provision, a majority of a quorum is empowered to act for the body.

In the Federal Election Campaign Act there is no express mention of the quorum necessary before the Commission can act. 2 U.S.C. §437c(c) states "All decisions of the Commission . . . shall be made by a majority vote of the members of the Commission." If this refers to a majority of the full Commission it would be four; if it means majority of a quorum it would be less. Support for the latter position is found in the clause added to §437c(c) by §101(c)(2) [sic; corrected to §101(c)(3)] of the 1976 Amendments, which states: "except that the affirmative vote of 4 members of the Commission" is required for the Commission to establish guidelines, issue advisory opinions, promulgate regulations, hold hearings and initiate civil suits. If Congress intended that Commission action could only be taken by a vote of four members, then this amendment would not have been necessary. Therefore, the logical conclusion is that since the full voting Commission consists of six members, a quorum would be four, and a majority of the quorum would be three, which could act on matters not covered by §101(c)(2) of the 1976 Amendments.



The second question in determining when the new Commission comes into existence is whether the statutory language requires the appointment and confirmation of a specific number of Commissioners before the new Commission can act. The 1976 Amendments to the Federal Election Campaign Act, which authorize the creation of a new Federal Election Commission by Presidential appointment and Senate confirmation of its Commissioners, do not require that all six new voting Commissioners be appointed and confirmed before the Commission has authority to function.

As noted, section 437c(c) states:

"All decisions of the Commission with respect to the exercise of its duties and powers . . . shall be made by a majority vote of the members of the Commission."

Section 101(c) (2) of the 1976 Amendments added to this the following:

". . . except that the affirmative vote of 4 members of the Commission shall be required in order for the Commission to establish guidelines for compliance . . . or for the Commission to take any action in accordance with paragraphs (6), (7), (8), or (10) of Section 310(a)."

(The cited paragraphs refer to issuance of advisory opinions, formulation of regulations, initiation of civil suits, and investigations by the Commission.)

Since there is nothing in the Act or its 1976 Amendments expressly or impliedly requiring the appointment and confirmation of all six Commissioners before the new Commission could begin to function, the implication of the above-quoted sections is that once a quorum has been appointed and confirmed, a new Commission is created. It would have the power to act, if a quorum were present, "by a majority vote," or if the Commission was acting in one of the areas designated in §101(c) (2), by "the affirmative vote of 4 members." Therefore, since "majority vote" in §437c(c) means majority of a quorum, and a quorum is four, the new Commission could act with three votes of the new Commissioners in general areas, and four votes when required by §101(c) (2).



2. The status of present Commissioners who are not reappointed is not specifically treated in the 1976 Amendments. Section 101(e)(3) of the new Act states that present members "may continue to serve as such members until new members are appointed and qualified," but that they may "exercise only such powers and functions as may be consistent with the determinations of the Supreme Court of the United States in Buckley, et al. against Valeo;" that is, their powers are purely legislative.

The legislative history of §101(e)(3) does not clearly state when the authority of present Commissioners terminates if they are not reappointed. The Senate version provided that the terms of all present Commissioners end when a "majority" of the new Commissioners are appointed and qualified. See Report of the Senate Committee on Rules and Administration, No. 94-667, March 2, 1976, page 4. The House version allowed the present members to remain "until members" are appointed and qualified. See Report of the Committee on House Administration, No. 94-917, March 17, 1976, page 58. The substitute adopted by the Conference Report (which is the above §101(e)(3)) allows present members to remain "until new members" are appointed and qualified.

It is clear that one purpose of §101(e)(3) was to allow the present Commissioners to function in the limited area possibly after Buckley, until a new Commission was established. It would seem logical that the Commission established by the 1976 Amendments would only come into existence upon the termination of the Commission established by the 1974 Act. It would also seem logical that the term of any Commissioner, appointed under the 1974 Act and not reappointed under the 1976 Amendments, would end upon the creation of the new Commission. Furthermore, even if the position was taken that the present Commission was not out of existence, it is clear that any remaining Commissioners who are not reappointed would only be able to vote in legislative matters.

Since the statute is silent and the legislative history vague, the statute gives no definitive answer to the question of when the terms of present unappointed Commissioners end. It is possible to argue that since the word "majority" in the Senate version of §101(e)(3) was not chosen by the Conference



Report the intent was to continue the authority of current members until all six new members were appointed.

Arguments are stronger in favor of the expiration of any current unappointed Commissioners' terms upon appointment and confirmation of a majority of the new Commissioners, for the following reasons:

1. With respect to the history of the statutory language of §101(e)(3), it is possible to infer that the Conference Report did not include the Senate's "majority" because the word is redundant, since a majority of the Commissioners must be appointed to constitute the required quorum necessary before the new Commission can act. Furthermore, the Conference Report did not modify "new members" by "all," or even "the;" either "all new members" or "the new members" would have allowed stronger argument for termination of current Commissioner status only upon appointment and confirmation of all six members.

2. Furthermore, "new members" in §101(e)(3) may refer to "new members authorized to act under the 1976 Amendments." As stated in No. 1 above, once a quorum of the Commissioners is duly appointed and qualified, the new Commission has authority to act, depending on the area involved, with either three or four votes of the Commissioners. It is possible to conclude from this that once the new Commission is able to function, there is no need for the present Commissioners to remain. A stronger position would be that once the new body is able to proceed with its duties under the 1976 Amendments, the existence of the old Commission ceases, and consequently the present Commissioners lose their status as "Commissioners," and thus their ability to vote on any matters whatsoever.

3. One hypothetical situation which supports the argument that the present Commissioners' terms expire on the appointment of a majority of the new Commissioners is the following: If the President named five totally new Commissioners under the 1976 Amendments, it would not be possible to determine which of the present six Commissioners

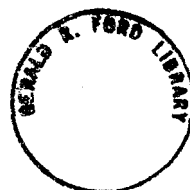


would remain to serve as the sixth Commissioner on the newly constituted Commission. In that case, the common sense proposition would be that no existing Commissioner "may continue to serve as such [member] . . ."

4. Final support for the position that present unappointed Commissioners' terms end once a majority of new Commissioners is appointed are the provisions of the Federal Election Campaign Act and its 1976 Amendments dealing with the length of Commissioners' terms. 2 U.S.C. §437c(a) (2) provided that the term of one of the six Commissioners would expire annually. Section 101(b) (2) (A) of the 1976 Amendments changed this provision by providing that the terms of two of the six Commissioners would expire together, every other year. In addition, §101(b) (2) (C) of the Amendments states: "An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed only for the unexpired term of the member he succeeds." However, it is no longer possible to appoint a new Commissioner for "the unexpired term of the member he succeeds," because the "unexpired term" has been altered by the 1976 Amendments from single staggering terms to double alternating terms.

It is possible to avoid the confusion resulting from the statutory changes in the Commissioners' terms if a new working Commission is created after the appointment of a majority of new Commissioners. At that time the old Commission's existence would terminate, and the present unappointed Commissioners' terms would expire.

In summary, the new Commission would come into existence upon the Presidential appointment and Senate confirmation of a majority of the new Commissioners. The terms of any remaining Commissioners who were not reappointed would automatically end, since the Commission they were appointed to had been replaced.



THE WHITE HOUSE
WASHINGTON

June 1, 1976

*Press
person*

MEMORANDUM FOR THE PRESIDENT

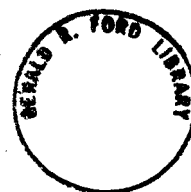
FROM: PHIL BUCHEN *P.*
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by June 10. It was prepared by the PFC General Counsel who shares my understanding that you personally neither accepted any contributions nor expended any moneys in May on behalf of your candidacy.

Recommendation:

That you sign the attached report.

Attachment



Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) GERALD R. FORD		2 Identification Number 60000338
(b) Address (number and street) 1600 PENNSYLVANIA AVENUE, N. W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code WASHINGTON, D. C. 20500		(b) If "Yes," for which election? Primary on _____ (Date) (General, Primary, Runoff)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment		(e) <input type="checkbox"/> January 31 Report
(c) <input type="checkbox"/> July 10 report		(f) <input checked="" type="checkbox"/> Alternative Monthly Report
(b) <input type="checkbox"/> April 10 Report		(g) <input type="checkbox"/> Termination
(d) <input type="checkbox"/> October 10 report		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From 5-1-76 Through 5-31-76		
Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$ Not Applicable	
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

GERALD R. FORD

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

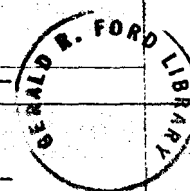
For further
information
Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Detailed Summary Schedule of Receipts and Expenditures

(Page 2)

Name of Candidate or Committee GERALD R. FORD		Report Covering the period From: 5-1-76 To: 5-31-76	
		Column A This Period	Column B Calendar year-to-date
Part I - Receipts			
15 Contributions and other Income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above: List by event on memo Schedule D (\$			
(d) Subtotal of contributions and other income		\$ -0-	\$ -0-
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ -0-	\$ -0-
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ -0-	\$ -0-
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ -0-	\$ -0-
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ -0-	\$ -0-
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ -0-	\$ -0-
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ -0-	\$ -0-
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ -0-	\$ -0-
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ -0-	\$ -0-
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$ -0-	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$ -0-	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ -0-	



THE WHITE HOUSE
WASHINGTON

June 2, 1976

ADMINISTRATIVELY CONFIDENTIAL

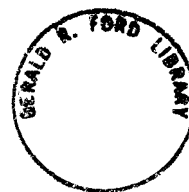
MEMORANDUM FOR: PHIL BUCHEN
FROM: JIM CONNOR *JEC*
SUBJECT: Candidate's Report of Receipt
and Expenditures

The President reviewed your memorandum of June 1 on the above subject and made the following notation:

"About a month ago I sent PFC a \$1000.
check. Dorothy Downton can give you
date. Is this involved?"

Please follow-up with appropriate action. We are holding the signed form until this question is resolved.

cc: Dick Cheney



THE WHITE HOUSE

WASHINGTON

June 3, 1976

MEMORANDUM FOR: JIM CONNOR

FROM: PHIL BUCHEN *P.*

SUBJECT: Candidate's Report of Receipt
and Expenditures

The contribution by the President to the PFC does not require any change in the candidate's own report of receipts and expenditures.

The President's contribution will be reported by the PFC and need not be expressly reported by him.

cc: Dick Cheney



THE WHITE HOUSE
WASHINGTON

June 2, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: PHIL BUCHEN
FROM: JIM CONNOR *JEC*
SUBJECT: Candidate's Report of Receipt
and Expenditures

The President reviewed your memorandum of June 1 on the above subject and made the following notation:

"About a month ago I sent PFC a \$1000.
check. Dorothy Downton can give you
date. Is this involved?"

Please follow-up with appropriate action. We are holding the signed form until this question is resolved.

cc: Dick Cheney



488-3949

JOAN D. AIKENS

Commissioner

(202) 382-5194



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE WHITE HOUSE

WASHINGTON

July 1, 1976

MEMORANDUM FOR: RON NESSEN

FROM: PHILIP BUCHEN *P.*

SUBJECT: Suit started by Ramsey Clark

Ramsey Clark has today filed a suit in the United States District Court for the District of Columbia. It is brought against the Secretary of the Senate, Clerk of the House of Representatives and the Federal Election Commission.

The plaintiff claims standing to bring the action as a candidate from the State of New York for the U. S. Senate, and as a citizen and registered voter of that State. He cites the fact that he is opposed in the primary race by Bella Abzug as a sitting Member of the House and expects to be opposed in the general election by James Buckley as a sitting Member of the Senate.

The plaintiff complains that the provisions of the Federal Election Campaign Act, as amended, violate the constitution in allowing for a one-house Congressional veto of rules and regulations promulgated by the Federal Election Commission. He argues that these veto provisions deny the President the opportunity to veto Congressional actions and violates the constitutional separation of powers; further, that the plaintiff is deprived of his constitutional rights by provisions which allow incumbent officeholders to participate in vetoing regulations of the Commission.

By bringing this suit, the plaintiff is asking the court to decide the issues raised by the President when he on May 11, 1976, signed the bill amending the Federal Election Campaign Act. In his signing statement, the President said:

"... these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge the constitutionality of this provision at the earliest possible opportunity."

It now appears that the suit brought by Ramsey Clark will afford an early opportunity for the Attorney General to participate in challenging the constitutionality of the congressional veto provisions. Previously, the Department of Justice had been exploring the most appropriate way for the issue to be presented for judicial decision and had tentatively come to the conclusion that the issue could best be raised by a party who was personally affected either as a voter or candidate by the operation of the regulations of the Federal Election Commission.



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAMSEY CLARK,
37 W. 12th Street
New York, New York 10012
(212) 989-6613

Plaintiff,

v.

FRANCIS R. VALEO, Secretary
of the United States Senate,
Capitol Building S-221
Washington, D.C. 20510
(202) 224-2115

EDMUND L. HENSHAW, Jr., Clerk of the
United States House of Representatives,
Capitol Building, Rm. H-105
Washington, D.C. 20510
(202) 225-7000

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20005
(202) 382-5162

Defendants.

Civil Action No.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

1. This action seeks declaratory and injunctive relief from certain provisions of the Federal Election Campaign Act of 1971, 2 U.S.C §§ 431, et seq., as amended, (hereinafter the "FECA") and Subtitle H of the Internal Revenue Code of 1954, 26 U.S.C. §§ 9001 et seq., as amended, (hereinafter "Subtitle H") and against their administration and enforcement by defendants, on the grounds that these provisions, which allow a single House of Congress to disapprove regulations of the defendant FEDERAL ELECTION COMMISSION ("COMMISSION"), violate the constitutional doctrine of separation of powers and destroy the constitutional



system of checks and balances established by Articles I, II and III of the United States Constitution and deprive plaintiff of Due Process of Law under the Fifth Amendment of the United States Constitution.

JURISDICTION

2. This Court has jurisdiction under 2 U.S.C. § 437h, 26 U.S.C. § 9011(b), and 28 U.S.C. § 1331. The amount in controversy, exclusive of interests and costs, exceeds \$10,000.

3. Convocation of a three judge district court is required by 26 U.S.C. § 9011 and 28 U.S.C. § 2282, with respect to those issues concerning Subtitle H. Certification to the United States Court of Appeals for the District of Columbia Circuit is required by 2 U.S.C. § 437h with respect to all other issues.

PARTIES

4(a). Plaintiff RAMSEY CLARK is a candidate for the Democratic Party nomination for United States Senator from the State of New York. He is a citizen of the State of New York and of the United States and is eligible to vote in elections for the office of the President of the United States. He is a registered voter in the State of New York in the Democratic Party.

4(b). In the primary for the Democratic nomination for Senator, plaintiff CLARK is opposed by, among others, Bella Abzug, a sitting Member of the United States House of Representatives. As a Member of the House of Representatives, Ms. Abzug is authorized to, has and will continue to vote on whether to disapprove certain regulations of the FEDERAL ELECTION COMMISSION effecting elections for the United States Senate. In the general election, plaintiff CLARK will be opposed by, among others, James Buckley, a sitting

Member of the United States Senate from the State of New York. As a Member of the Senate, Mr. Buckley is authorized to, has and will continue to vote on whether to disapprove regulations of the FEDERAL ELECTION COMMISSION when they effect elections to the United States Senate.

5. Defendant FRANCIS R. VALEO is the duly appointed Secretary of the United States Senate whose duties include furnishing certain services and facilities to and cooperating with the FEDERAL ELECTION COMMISSION in carrying out the COMMISSION's duties. 2 U.S.C. § 438(d)(2). He is also custodian for the COMMISSION of certain reports and statements submitted pursuant to rules and regulations prescribed by the COMMISSION. 2 U.S.C. § 438(d)(1). Defendant VALEO is an ex officio Member of the FEDERAL ELECTION COMMISSION. 2 U.S.C. § 437c(a)(1).

6. Defendant EDMUND L. HENSHAW, Jr., is the duly appointed Clerk of the United States House of Representatives whose duties include furnishing certain services and facilities to and cooperating with the FEDERAL ELECTION COMMISSION in carrying out the COMMISSION's duties. 2 U.S.C. § 438(d)(2). He is also custodian for the COMMISSION of certain reports and statements submitted pursuant to rules and regulations prescribed by the COMMISSION. 2 U.S.C. § 438(d)(1). Defendant HENSHAW is an ex officio Member of the FEDERAL ELECTION COMMISSION. 2 U.S.C. § 437c(a)(1).

7. Defendant FEDERAL ELECTION COMMISSION was established by § 208(a), Pub. L. 93-443, 88 Stat. 1280, and reconstituted by 2 U.S.C. § 437c. In addition to defendants VALEO and HENSHAW, who are ex officio members without a right to vote, the COMMISSION is composed of six voting members appointed by the President of



the United States, by and with the advice and consent of the Senate. 2 U.S.C. § 437c.

THE STATUTORY FRAMEWORK

8. The FEDERAL ELECTION COMMISSION has very broad powers, including the powers to: (a) investigate with the aid of compulsory process; (b) exercise exclusive primary jurisdiction with respect to civil enforcement of the FECA and Subtitle H by bringing actions in the federal courts, including actions for declaratory, injunctive, damage or civil fine relief; (c) refer violations to the Attorney General for possible criminal prosecution; (d) formulate general policy with respect to the FECA and Subtitle H, including all criminal provisions contained in those statutes; and (e) render advisory opinions. 2 U.S.C. §§ 438(a)(10).

9. The COMMISSION is empowered to prescribe rules and regulations to carry out the provisions of the FECA and Subtitle H. 2 U.S.C. §§ 438(a)(10) and 438(d) and 26 U.S.C. §§ 9009 and 9039.

10. Before any such rule or regulation may be put into effect, the COMMISSION must transmit to the Senate or the House of Representatives, as the case may be, a statement setting forth the proposed rule or regulation and a detailed explanation of it. 2 U.S.C. § 438(c)(1) and 26 U.S.C. §§ 9009(c)(1) and 9030(c)(1).

11. Statements concerning a rule or regulation dealing with required reports or statements by a candidate for the office of Senator, and by political committees supporting such a candidate, must be transmitted to the Senate. Statements concerning a rule or regulation dealing with required reports or statements by a candidate for the office of Representative, Delegate, or Resident

Commissioner, and by political committees supporting such a candidate, must be transmitted to the House of Representatives. 2 U.S.C. § 438(c)(3).

12. All other statements must be transmitted to both the House of Representatives and the Senate. 2 U.S.C. § 438(c) and 26 U.S.C. §§ 9009(c) and 9039(c).

13. If within 30 legislative days after receipt of such a statement, a body of the Congress disapproves the rule or regulation, or any portion thereof which the body determines to be a single separable rule of law, then the COMMISSION may not put into effect such rule or regulation, or portion thereof which has been disapproved. 2 U.S.C. § 438(c)(2), (c)(4) and 26 U.S.C. §§ 9009(c)(2), (c)(4) and 9039(c)(2), (c)(4).

THE APPLICATION OF THE CONGRESSIONAL VETO

14. On July 30, 1975, the FEDERAL ELECTION COMMISSION referred to both the House of Representatives and the Senate a regulation pertaining to office accounts, usually consisting in part of excess campaign funds, used by Members of Congress to support their activities. A modified version of the regulation, intended to comply with certain suggestions made by Members of Congress, was transmitted to both the House of Representatives and the Senate on September 30, 1975. On October 8, 1975, the Senate by a single vote rejected a resolution the effect of which would have been to approve the modified version of the regulation. Senator James Buckley, who himself has an office account, voted against the measure. The Senate by voice vote then disapproved both regulations, ordering the Secretary of the Senate, defendant VALEO, to transmit a copy of the disapproval resolution to the defendant COMMISSION. S. Res. 275, 94th Cong., 1st Sess., 121 Cong. Rec. 17888 (daily ed. Oct. 8, 1975).

15. On August 1, 1975, the FEDERAL ELECTION COMMISSION referred to both the House of Representatives and the Senate a regulation providing for the filing of all reports and statements in the first instance with the COMMISSION, instead of allowing members of the House of Representatives and the Senate the special privilege of filing in the first instance with the Clerk of the House and the Secretary of the Senate, respectively, which privilege delays for at least a week reporting and investigations by the FEDERAL ELECTION COMMISSION. On October 22, 1975, the House of Representatives disapproved the regulation, ordering the Clerk of the House, defendant HENSHAW's predecessor, to transmit a copy of the disapproval resolution to the defendant COMMISSION. H.R. Res. 780, 94th Cong., 1st Sess., 121 Cong. Rec. 10197 (daily ed. Oct. 22, 1975). Representative Bella Abzug, an opponent of plaintiff CLARK in the New York primary for the Democratic Party nomination for Senator, voted to disapprove the regulation.

16. Several other regulations, including a third version of the office accounts regulation, were referred to the appropriate body of the Congress prior to the Supreme Court's Jan. 30, 1976 decision in Buckley v. Valeo, Nos. 75-436 and 75-437. These regulations had not been disapproved, and thirty legislative days had not run, on the date of the aforementioned decision. Subsequently, Congress provided that even rules or regulations adopted by the COMMISSION before the date of enactment of the 1976 amendments to the FECA would not be effective unless they were thereafter subjected to the Congressional veto system. 2 U.S.C. § 437c(g)(3). No such rules or regulations have been resubmitted.

17. Certain proposed rules and regulations are presently being considered by the FEDERAL ELECTION COMMISSION, but they have not yet been approved by the COMMISSION or referred to any body of the Congress.

18. Any rules or regulations approved by the FEDERAL ELECTION COMMISSION will be referred to the appropriate body of Congress and, if disapproved by that body, the rules or regulations will not be put into effect by the COMMISSION.

19. Because of the necessity of avoiding a vote of disapproval by a body of Congress, the COMMISSION has and will continue to modify proposed rules and regulations to correspond with what its members perceive to be the desires and wishes of Members of Congress, sometimes modifying proposed rules and regulations in such a way as to give incumbent candidates for Congress an advantage in elections over non-incumbent candidates for Congress.

CAUSES OF ACTION

20. The FECA and Subtitle H deprive plaintiff of his constitutional rights by allowing a single House of Congress to disapprove rules and regulations, or selected portions of such rules and regulations, adopted by the FEDERAL ELECTION COMMISSION, and by denying the President of the United States the opportunity to veto such Congressional actions, in violation of the constitutional separation of powers and checks and balances established by Articles I, II and III of the United States Constitution.

21. The FECA and Subtitle H deprive plaintiff of his constitutional rights to have laws affecting him enacted by the full legislative process, including passage by both Houses of Congress with the opportunity for a Presidential veto, and invidiously

discriminate against plaintiff by allowing incumbent office-holders, but not challengers, to veto rules and regulations of the COMMISSION, in violation of plaintiff's Right to Due Process of Law under the Fifth Amendment of the United States Constitution.

22. The FECA and Subtitle H deprive plaintiff of his constitutional rights by unconstitutionally delegating the discretion to disapprove regulations of the COMMISSION to a single House of Congress and by delegating such discretion without giving any standards or criteria to govern the exercise of such discretion and without requiring any statement of reasons for the exercise of such discretion.

23. Unless application of those provisions to the FECA and Subtitle H which allow bodies of Congress to disapprove of rules and regulations adopted by the FEDERAL ELECTION COMMISSION are enjoined by the court, plaintiff will suffer irreparable injury and will suffer unconstitutional impairment of his rights to vote, to participate effectively in the political process and to compete without discrimination in the electoral process.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays that the court immediately (a) make application for a three-judge district court to hear the issues raised by this complaint concerning Subtitle H, and (b) certify to the United States Court of Appeals for the District of Columbia Circuit all issues of constitutionality raised by this complaint concerning the FECA, and that such courts:

1. advance on the docket and expedite this action to the greatest extent possible as provided in 2 U.S.C. § 437h and 26 U.S.C. § 9011(b)(2);

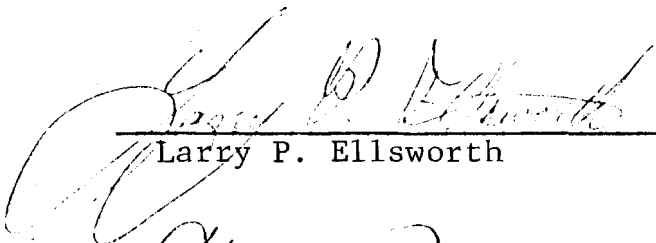
2. order, adjudge, decree and declare that the FECA and Subtitle H provisions allowing bodies of Congress to disapprove of regulations adopted by the FEDERAL ELECTION COMMISSION are repugnant to the Constitution of the United States, and that said statutes violate plaintiff's rights under the Constitution of the United States;

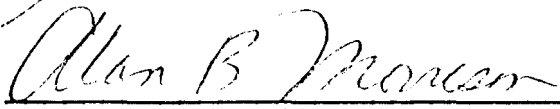
3. permanently enjoin and restrain defendants, their agents and assistants from transmitting rules or regulations to any body of Congress pursuant to the foregoing provisions of the FECA and Subtitle H and require defendant FEDERAL ELECTION COMMISSION to prescribe rules and regulations upon their adoption by it;

4. award plaintiff costs and disbursements in this action; and

5. grant such other and further relief as may be just and proper.

Dated: Washington, D.C.
July 1, 1976



Larry P. Ellsworth

Alan B. Morrison

2000 P Street, N.W., Suite 700
Washington, D.C. 20036
(202) 785-3704

Counsel for Plaintiff

May 11, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

After extensive consultation and review, I have decided that the Federal Campaign Act Amendments of 1976 warrant my signature.

I am therefore signing those amendments into law this afternoon. I will also be submitting to the Senate for its advice and consent the nominations of six persons to serve as members of the reconstituted Commission.

Shortly after the Supreme Court ruled on January 30 that the Federal Election Commission was invalid as then constituted, I made it clear that I favored a simple reconstitution of the Commission because efforts to amend and reform the law could cause massive confusion in election campaigns that had already started.

The Congress, however, was unwilling to accept my straightforward proposal and instead became bogged down in a controversy that has now extended for more than three months.

In the process, efforts were made to add several provisions to the law which I thought were thoroughly objectionable. These suggested provisions would have further tipped the balance of political power to a single party and to a single element within that party. I could not accept those provisions under any circumstance and I so communicated my views to various Members of the Congress.

Since that time, to my gratification, those features of the bill have been modified so as to avoid in large measure the objections I had raised.

Weighing the merits of this legislation, I have found that the amendments as now drafted command widespread, bipartisan support in both Houses of Congress and by the Chairpersons of both the Republican National Committee and the Democratic National Committee.

I still have serious reservations about certain aspects of the present amendments. For one thing, the bill as presently written will require that the Commission take additional time to consider the effects which the present amendments will have on its previously issued opinions and regulations.

more

(OVER)



A more fundamental concern is that these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge the constitutionality of this provision at the earliest possible opportunity.

Recognizing these weaknesses in the bill, I have nevertheless concluded that it is in the best interest of the Nation that I sign this legislation. Considerable effort has been expended by members of both parties to make this bill as fair and balanced as possible.

Moreover, further delay would undermine the fair and proper conduct of elections this year for seats in the U.S. Senate, the House of Representatives and for the Presidency. Effective regulation of campaign practices depends upon the existence of a Commission with valid rulemaking and enforcement powers. It is critical that we maintain the integrity of our election process for all Federal offices so that all candidates and their respective supporters and contributors are bound by enforceable laws and regulations which are designed to control questionable and unfair campaign practices.

I look to the Commission, as soon as it is reappointed, to do an effective job of administering the campaign laws equitably but forcefully, and in a manner that minimizes the confusion which is caused by the added complexity of the present amendments. In this regard, the Commission will be aided by a newly provided civil enforcement mechanism sufficiently flexible to facilitate voluntary compliance through conciliation agreements and, where necessary, penalize noncompliance through means of civil fines.

In addition, the new legislation refines the provisions intended to control the size of contributions from a single source by avoiding proliferation of political action committees which are under common control. Also, this law strengthens provisions for reporting money spent on campaigns by requiring disclosure of previously unreported costs of partisan communications which are intended to affect the outcome of Federal elections.

Following the 1976 elections, I will submit to the Congress legislation that will correct problems created by the present laws and make additional needed reforms in the election process.

#

THE WHITE HOUSE

WASHINGTON

July 7, 1976

MEMORANDUM FOR: PHIL BUCHEN
ED SCHMULTS

FROM: BARRY ROTH *BR*

SUBJECT: FEC Compliance Actions

1. DNC complaint concerning 1975 head of party travel. At the request of the RNC and PFC, the FEC had written to Bob Strauss asking them to state with particularity which trips the DNC felt violated AO 1975-72. Strauss responded that based on the newspaper articles he had attached with his original complaint, he had sufficiently identified the trips and that no additional information was necessary for the FEC to initiate an investigation. Jack Murphy has requested the RNC and PFC to respond to this matter in 10 days. Visser, Benton Becker and Charles Brower are requesting a meeting tomorrow with Jack Murphy to discuss further both the lack of particularity of the complaint and its failure to establish a violation of AO 1975-72. The RNC and PFC have decided not to go forward at this time with any factual information, e.g., transcripts of the President's public speeches on political trips. If the General Counsel does not decide to dismiss the complaint at this time, they will request an appeal to the Commission. A 3-3 Commission vote would terminate further proceedings on the DNC complaint.

2. DNC complaint concerning Roger Morton's salary. The FEC has made a preliminary decision to dismiss the complaints concerning the payment of Roger Morton's salary while a member of the White House staff. However, the Commission has not yet decided whether to base this decision simply on mootness or whether to also respond on the merits that the Commission does not have jurisdiction. A denial of jurisdiction could give some validity to the Loren Smith argument that the Reagan Committee can only get relief through the courts.



3. Reagan complaint concerning the Convention arrangements and the use of White House staff. The FEC has made a preliminary decision to reject the Loren Smith charges concerning Convention arrangements and the anticipated use of White House staff on the basis that it is an intra-party matter. The FEC will shortly make some form of public statement in this matter. It is anticipated they will indicate that matters of this kind would usually be considered in a complaint and that while they would consider complaints in this regard, it may deal with matters that are not in their jurisdiction.



THE WHITE HOUSE

WASHINGTON

July 9, 1976

Camp

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*

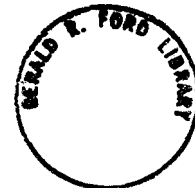
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by July 10. The report was prepared by my office in conjunction with the PFC General Counsel. In order to simplify the reporting requirements, the PFC will reimburse you for expenditures you made for campaign travel by Jack and Susan. Other than for these travel expenditures, it is my understanding that you have neither received any contributions nor made any expenditures on behalf of your candidacy in June.

The amended election laws permit you to spend directly or contribute to the PFC up to \$50,000 of your personal funds in connection with your campaign for nomination. Expenditures must be reported by you and they count against the PFC's primary spending ceiling. Contributions from you to the PFC are reported separately by the PFC and are not included in this report.

Recommendation

That you sign the attached report.



Dictated/Not Read

2:20 P.M.

March 15, 1976

MEMORANDUM FOR: STUART SPENCER

FROM: HOWARD CALLAWAY

SUBJECT: Re Appointment as Vice Chairman

Attached hereto is a self explanatory letter to the President by which I have taken a brief leave of absence as Chairman of the President Ford Committee.

Accordingly, in addition to your duties as Deputy Chairman for Political Organization, I hereby appoint you as the Vice Chairman of the PFC with full operating authority to conduct the campaign, and to authorize expenditures as my designated agent in accordance with the Federal Election Campaign laws.

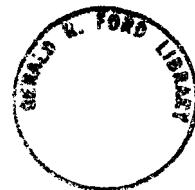
This appointment and delegation of authority shall remain in full force and effect until and unless revoked in writing.

HHC

Note:

Bob Visser is sending this over to Mr. Callaway.

If you have any comments, please call.



President Ford Committee

1828 L STREET, N.W., SUITE 250, WASHINGTON, D.C. 20036 (202) 457-6400

March 15, 1976

Honorable Gerald R. Ford
President of the United States
1600 Pennsylvania Avenue, N. W.
Washington, D. C. 20500

Dear Mr. President:

This is to confirm my request to you last ~~Friday~~ ^{Sat.} that I take a brief leave of absence as Chairman of the President Ford Committee so that I may fully and expeditiously exonerate myself of any and all allegations of impropriety regarding the charge that I used my former position as Secretary of the ~~Army~~ ^{active} to influence the development of a Colorado ski resort. As I advised you, the allegations are without merit and I am hopeful that I may satisfactorily resolve this matter in the next few weeks so that I may ~~return to my duties~~ ^{return to my duties} on the campaign.

In my absence, and with your consent, I have appointed Stu Spencer as Vice Chairman with full operating authority to conduct the campaign in accordance with the Federal election campaign laws ~~and to authorize expenditures as the designated agent of~~ ^{the designated agent of}

I very much appreciate your confidence in me and trust that this leave of absence will not have any major adverse ^{the} ~~Chairman.~~ effect on your campaign.

Sincerely,

Howard H. Callaway



THE WHITE HOUSE

WASHINGTON

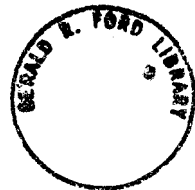
July 13, 1976

MEMORANDUM FOR: DICK CHENEY

FROM: PHIL BUCHEN *P.*

Attached is a copy of my memorandum of July 9 to the President which discussed the treatment of the payment of campaign travel expenses by the President for Jack and Susan. We are now in compliance with the reporting requirements of the election laws. Barry Roth is coordinating with Dorothy Downton and the PFC to insure compliance.

cc: Dorothy Downton



THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

July 9, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL BUCHEN *P.*

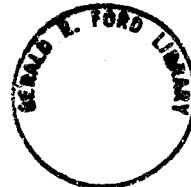
SUBJECT: Candidate's Report of Receipt
and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by July 10. The report was prepared by my office in conjunction with the PFC General Counsel. In order to simplify the reporting requirements, the PFC will reimburse you for expenditures you made for campaign travel by Jack and Susan. Other than for these travel expenditures, it is my understanding that you have neither received any contributions nor made any expenditures on behalf of your candidacy in June.

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Recommendation

That you sign the attached report.



THE WHITE HOUSE

WASHINGTON

July 8, 1976

MEMORANDUM FOR: PHIL BUCHEN
DOROTHY DOWNTON

FROM: DICK CHENEY

It's my understanding the President has paid personally for Jack Ford's political travel.

You need to check to see whether or not that needs to be reported.

I believe there's a requirement that each candidate has to report any expenditures he has made on his own behalf, and you want to make certain we're in compliance.



PRIORITY
PRECEDENCE

UNCLAS
CLASSIFICATION

FROM: PHILIP BUCHEN

TO: RON NESSEN

INFO: ED SCHMULTS

FOR COMMCENTER USE ONLY

DEX

DAC 082

LDX

TTY

GPS

PAGES 4

CITE

DTG: 171604Z

RELEASED BY: SC

TOR: 171617Z Aug 76

SPECIAL INSTRUCTIONS:

WHITE HOUSE

76 AUG 17 PM 12:21

1976 JUL 17 16 04



QUESTION

Ron, Jack Anderson reported today that an attorney at the Federal Election Commission has sent a telegram to the Attorney General charging the Ford campaign with violation of two federal criminal statutes in connection with its delegate hunting activities. Do you have any comment on this story?

ANSWER

As you are aware, at both the White House and the PFC, we have taken considerable steps to assure that all activities of the campaign are in accord with the letter and the spirit of the Federal election laws. The President has directed that no one in the Administration or at the campaign committee is to promise or provide any Government benefit for the support of any delegate. We are confident that no violation of federal election laws has occurred in this regard. The statutes referred to were never intended to deal with the situations described in the article.



8/17/76

THE WASHINGTON POST

B11

Tuesday, August 17, 1976

Jack Anderson and Les Whitten

Ford Delegate Pursuit Questioned

Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

THE WHITE HOUSE
WASHINGTON

PL/PFC

July 26, 1976

MEMORANDUM FOR: DICK CHENEY
RON NESSEN

FROM: ED SCHMULTS

Attached is a proposed response to questions concerning delegates who inquire about possible governmental benefits. This response has been cleared with Bob Visser and Jim Baker.



QUESTION: Is it a crime for a delegate to offer to cast his vote at the convention in return for employment with or other benefits from the Federal Government?

ANSWER: First of all, what is significant under federal laws governing elections and political activities is not what a delegate suggests or inquires about -- it is how the person to whom that suggestion or inquiry is made reacts. On this point, the President has spoken clearly and forcefully. As you know, earlier this year and again last week he has directed that no one in the Administration promise or provide any Government benefit for the support of any delegate. This same rule applies to the campaign committee. As far as the delegates are concerned, it is not a crime for a delegate to suggest that his vote might be available in return for Governmental benefits. The Federal laws apply to candidates, Government officials and other persons who promise Governmental benefits for delegate support. The PFC is carefully following the President's directives and, as Jim Baker indicated the other day, any improper suggestions by delegates as to official benefits are rejected. Parenthetically, since such delegate suggestions or inquiries are not crimes, there is no obligation on the part of anyone to report them to law enforcement officials.



THE WHITE HOUSE

WASHINGTON

August 2, 1976

MEMORANDUM FOR THE PRESIDENT

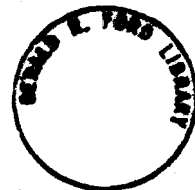
FROM: PHILIP W. BUCHEN *P.*

SUBJECT: Candidate's Report of
Receipts and Expenditures

Attached is the monthly Report of Receipts and Expenditures which you are required to file with the FEC by August 10. The report was prepared by the PFC General Counsel who shares my understanding that you have neither received contributions from other persons nor made any expenditures on behalf of your candidacy in July. Contributions from you to the PFC are reported separately by the PFC.

Recommendation:

That you sign the attached report.



Report of Receipts and Expenditures
for a Candidate or Committee
Supporting any Candidate(s) for
Nomination or Election to Federal Office

Note: Committees authorized by a candidate to receive contributions and make expenditures in connection with more than one election must maintain separate records with respect to each election, and file separate reports with respect to each election.

1(a) Name of Candidate or Committee (in full) GERALD R. FORD		2 Identification Number 60000338
(b) Address (number and street) 1600 Pennsylvania Avenue, N. W.		3(a) Is this a report of a candidate or Authorized Candidate Committee? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(c) City, State and ZIP code Washington, D. C. 20500		(b) If "Yes," for which election? Primary on _____ (Date) (General, Primary, Runoff)
4 Type of Report (Check appropriate box and complete, if applicable)		
(a) <input type="checkbox"/> Amendment		(e) <input type="checkbox"/> January 31 Report
(b) <input type="checkbox"/> April 10 Report		(f) <input checked="" type="checkbox"/> Alternative Monthly Report
(c) <input type="checkbox"/> July 10 report		(g) <input type="checkbox"/> Termination
(d) <input type="checkbox"/> October 10 report		
(h) <input type="checkbox"/> Tenth day report preceding _____ election on _____ in the state of _____ (primary, general or convention) (date)		
(i) <input type="checkbox"/> Thirtieth day report following _____ election on _____ in the state of _____ (primary, general or convention) (date)		

Committee Summary of Receipts and Expenditures

5 Covering Period: From 7/1/76 Through 7/31/76		
Section A - Cash Balance Summary	Column A This Period	Column B Calendar Year-To-Date
6 Cash on hand January 1, 19__		\$
7 Cash on hand at beginning of reporting period	\$	
8 Add total receipts (from line 19)	\$	NOT APPLICABLE
(a) Subtotal	\$	\$
9 Subtract total expenditures (From line 24)	\$	\$
10 Cash on hand at close of reporting period	\$	\$
11 Contributed items on hand to be liquidated (attach itemized list)	\$	
Section B - Expenditures Subject to Limitation Summary (Candidates and Authorized Candidate Committees Only)		
12 Operating expenditures (from line 20)	\$	\$
13 Less Refunds and Rebates (from line 17)	\$	\$
14 (a) Expenditures subject to limitation	\$	\$
(b) Expenditures from prior years subject to limitation		\$
(c) Total expenditures subject to limitation		\$

I certify that I have examined this Report, and to the best of my knowledge and belief it is true, correct and complete.

GERALD R. FORD

(Signature of Treasurer or Candidate)

(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §441 (text on reverse side of form).

For further
information
Contact:

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Detailed Summary Schedule of Receipts and Expenditures (Page 2)

Name of Candidate or Committee GERALD R. FORD		Report Covering the period From: 7/1/76 To: 7/31/76	
Part I - Receipts		Column A This Period	Column B Calendar year-to-date
15 Contributions and other Income:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Sales and Collections Included Above:			
List by event on memo Schedule D (\$)			
(d) Subtotal of contributions and other income		\$ -0-	\$ -0-
16 Loans and Loan Repayments Received:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments received		\$ -0-	\$ -0-
17 Refunds, Rebates, etc.:			
(a) Itemized (use Schedule A)		\$	
(b) Unitemized		\$	
(c) Subtotal of refunds, rebates, etc.		\$ -0-	\$ -0-
18 Transfers In:			
(a) From Affiliated Committee (Itemize all on Schedule A)		\$	
(b) From other Committees (Itemize all on Schedule A)		\$	
(c) Subtotal of transfers in		\$	\$
19 Total Receipts		\$ -0-	\$ -0-
Part II - Expenditures			
20 Operating Expenditures:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of operating expenditures		\$ -0-	\$ -0-
21 Loans, Loan Repayments, and Contribution Refunds:			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of loans and loan repayments made and contribution refunds		\$ -0-	\$ -0-
22 Fundraising Expenditures: (Apply to 20% Exemption)			
(a) Itemized (use Schedule B)		\$	
(b) Unitemized		\$	
(c) Subtotal of fundraising expenditures		\$ -0-	\$ -0-
23 Transfers Out:			
(a) To Affiliated Committee (Itemize all on Schedule B)		\$	
(b) To Other Committees (Itemize all on Schedule B)		\$	
(c) Subtotal of transfers out		\$	\$
24 Total Expenditures		\$ -0-	\$ -0-
Part III - Debts and Obligations			
25 Debts and obligations owed to the Committee (Itemize all on Schedule C)		\$	
26 Debts and obligations owed by the Committee (Itemize all on Schedule C)		\$ -0-	\$ -0-
Part IV - Receipts and Expenditures, Net of Transfers to and from Affiliated Committees			
27 Total Receipts (from line 19)		\$ -0-	
28 Less Transfers In (from line 18(a))		\$	
29 Net Receipts		\$ -0-	
30 Total Expenditures (from line 24)		\$	
31 Less Transfers out (from line 23(a))		\$	
32 Net Expenditures		\$ -0-	

