Collection: Baker, James A.: Files
Folder Title: White House Staff Memoranda – Counsel's Office (1)
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WITHDRAWAL SHEET
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CLB 10/5/00

Collection: Baker, James: Files

Archivist: jas

File Folder: W.H. Staff Memos - Counsel's Office [1 of 4] Box 4

Date: 11/24/98

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. Memo	Cooksey to J. Baker via Fielding (2 p)	10/20/83	~~P5~~
2. Memo	Fielding to J. Baker, Gergen, Speakes (~~2~~ 1p partial) 1p whole	10/17/83	~~P6~~
3. Memo	Fielding to J. Baker (1 p)	10/12/83	~~P6~~
4. Memo	Cooksey to Senator Laxalt (1 p)	10/11/83	~~P6~~

Presidential Records Act - [44 U.S.C. 2204(a)]
P-1 National security classified information [(a)(1) of the PRA].
P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
P-3 Release would violate a Federal statute [(a)(3) of the PRA].
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]
F-1 National security classified information [(b)(1) of the FOIA].
F-2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].
F-3 Release would violate a Federal statue [(b)(3) of the FOIA].
F-4 Release would disclose trade secrets or confidential commercial or financial information [(b)(4) of the FOIA].
F-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].
F-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].
F-8 Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA].
F-9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

RESTRICTION CODES

WITHDRAWAL SHEET
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Collection: Baker, James: Files

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RESTRICTION CODES

THE WHITE HOUSE

WASHINGTON

December 19, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT AND
DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING Orig. Signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Draft Response to Republican State Legislators Who Petitioned President for Appointment of Mary Louise Smith

After reviewing the above-referenced draft response and the actual petition signed by the 38 Republican State legislators, I strongly believe that making any formal response to this petition is unnecessary and very likely to be counterproductive. If it is decided that some response must be sent, however, the draft circulated for comment needs to be rewritten.

In general, I do not think we are obligated to respond formally to an ad hoc, handwritten petition of this sort, especially when the President has already acted on the matter in question. Further, I think we would be justified in treating the President's letter to Mary Louise Smith as the response to this request (and others) that he appoint her to the new Civil Rights Commission. None of this, of course, would preclude our sending a formal response if to do so would be beneficial. In this instance, however, it is very unlikely that any of the signers of this petition will be persuaded or mollified by anything we might say. Rather, the far more likely result is that we will simply keep alive critical stories about not appointing Mrs. Smith, by giving the petitioners a chance to say that they are dissatisfied with the White House response and remain unhappy about the President's decision in this case and his positions on civil rights and women's issues in general.

If it is nonetheless decided that some response to this petition must be sent, the present draft is at once too reticent and too direct. It is too reticent in that it says nothing about the underlying philosophical basis of the President's approach to civil rights (i.e., favoring "equal opportunity," opposing quotas and the like). While recognizing that this argument too will be unpersuasive to the petitioners, if we are going to issue a response we should at least make the points that will appeal to the Americans who are likely to support the President -- particularly since these points are in fact the basis for the President's decision.

The present draft is too direct in the paragraph (though concededly improved by B. Oglesby's revision) saying that it is important that the President have the privilege of making his own selection for Chairman of the Commission. This makes it appear that the decision not to appoint Smith was simply part of a political calculus involving how many votes the President would have on ratification of his designation of a Chairman. Particularly in a response that, as noted, makes no reference to the civil rights philosophy that guides the President's decisions in this area, a paragraph of this sort can (and will) be portrayed and attacked as reflecting a "partisan," "political" and "manipulative" approach to the new Civil Rights Commission. That characterization may be unfair, of course; but given coverage to date, we should expect no better.

Accordingly, our office has prepared a revised draft response, which is attached. I continue to believe, however, that we are better off treating the President's letter to Smith as the "response" to this petition, and saying no more about it.

Attachment

cc: Edwin Meese III
James A. Baker, III ←
Michael K. Deaver
Lee L. Verstandig

DRAFT

Revised Draft Response to
State Legislators' Petition
to Appoint Mary Louise Smith
to Civil Rights Commission
(Counsel's Office, 12/19/83)

Dear _____:

We have received the petition, signed by you and other Republican state legislators, asking that the President appoint Mary Louise Smith to the reconstituted Civil Rights Commission.

As you know, the legislation reestablishing the Commission provides that only half the members will be appointed by the President, with other members being appointed by the President pro tempore of the Senate and the Speaker of the House. Given this, the President considered it especially important that the four members he appointed fully share his commitment to a civil rights policy that emphasizes equality of opportunity for all Americans, under which individuals are judged on their merit, not their race or sex. He believes that each of his four appointees is a superbly qualified individual whose dedication to civil rights and equal opportunity cannot be questioned.

The President knows and appreciates the many contributions Mary Louise Smith has made to the Republican Party, as he pointed out in his recent letter to her. Your support for her appointment to the Civil Rights Commission was carefully considered. The President's decision to name four other persons to the new Commission was based, as described above, on his judgment that they shared his commitment to equality of opportunity and were the individuals best qualified to help the Commission further that goal. That decision was not intended, and should not be construed, as any criticism of Mrs. Smith and her record of service to the Republican Party and the Nation.

Obviously, in this and other important areas, men and women of good will can and do disagree on the best way to achieve our mutual objectives. The President recognizes this and, in making his appointment and other decisions, does not question the motives and good faith of those who may disagree with some of those decisions. It is his hope that, while acknowledging our occasional disagreements, we can continue to work together as Americans for our common goal of equality of all or our citizens.

Sincerely,

THE WHITE HOUSE

WASHINGTON

Back to FF

12/13/85 - DONE

w/cc: Respass

cc

December 12, 1983

MEMORANDUM FOR JAMES A. BAKER, III
CHIEF OF STAFF AND
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Exemption from Prohibition Against the Use of Alcoholic Beverages on Federal Property

Part 101-20.307 of the Federal Property Management Regulations (41 C.F.R. § 101-20.307) provides that "[t]he use of alcoholic beverages on [Federal] property is prohibited except, upon occasions and on property upon which the head of the responsible agency or his or her designee has for appropriate official uses granted an exemption in writing." The appropriate building manager is to be notified of all exemptions.

As you know, the Counsel's Office has scheduled its third annual Christmas Party for Monday, December 19, 1983, from 5:00 to 7:00 p.m., in the Indian Treaty Room of the Old Executive Office Building. It is the unanimous opinion of the President's lawyers that, while none of us would claim credit for prose of the sort just quoted, this "occasion" is surely one "appropriate" for an exemption within the meaning of the regulation's less-than-graceful syntax.

Accordingly, this is to request that, consistent with your wise decisions on this issue in 1981 and 1982, you sign the attached memorandum granting an exemption for this occasion from the alcoholic beverage prohibition. OEOB Building Manager Charles B. Respass is copied on the memorandum.

Thank you.

Attachment

THE WHITE HOUSE

WASHINGTON

November 21, 1983

MEMORANDUM FOR: EDWIN MEESE, III
JAMES A. BAKER III

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: George Crockett, Jr., et al. v. Reagan, et al.

In a per curiam opinion issued on November 18, 1983, the U.S. Court of Appeals for the D.C. Circuit (Edwards and Bork, Circuit Judges, and Lumbard, Senior Circuit Judge, 2nd Cir., sitting by designation) affirmed the District Court's dismissal of the referenced action brought by 29 members of Congress challenging the legality of the United States' presence in, and military assistance to, El Salvador.

Plaintiffs-Appellants contended that military officials have been introduced into situations in El Salvador where imminent involvement in hostilities is clearly indicated by the circumstances and, consequently, the President's failure to report to Congress was in violation of both the War Powers Resolution ("WPR") and the war powers clause of the Constitution. Appellants also alleged that violations of human rights by the government of El Salvador are pervasive and that, in the absence of a certification of "exceptional circumstances" by the President, United States military assistance to El Salvador violates the Foreign Assistance Act of 1961 ("FAA").

District Judge Joyce Green held that the war powers issue presented a non-justiciable political question and that the trial court had neither the resources nor the expertise to resolve the particular factual disputes involved. She noted that Congress had taken no action which would suggest that it viewed our involvement in El Salvador as subject to the WPR. The FAA claim was dismissed based on the equitable discretion doctrine which counsels judicial restraint where a congressional plaintiff's dispute is primarily with his or her fellow legislators.

The D.C. Circuit indicated that it had reviewed with care the parties' contentions and submissions and "[could] find no error in the judgment of the District Court." Judge Bork wrote a concurring opinion in which he expressed the view that plaintiffs lacked standing. They have not, he pointed out, lost their right to vote in Congress, and therefore have not suffered the "judicially cognizable injury" necessary to give them standing.

This significant decision should prove very helpful in defending an action filed last week challenging the Grenada rescue mission, and in discouraging future similar actions.

THE WHITE HOUSE

WASHINGTON

November 17, 1983

MEMORANDUM FOR EDWIN MEESE III
JAMES A. BAKER III ←
KENNETH M. DUBERSTEIN
DAVID R. GERGEN
LARRY M. SPEAKES

FROM: FRED F. FIELDING

SUBJECT: Civil Rights Commission

Yesterday, the United States Court of Appeals for the District of Columbia Circuit granted our motion for expedited review of the District Court's preliminary injunction against removal of Mary Berry and Blandina Ramirez from the Civil Rights Commission. Arguments on the appeal are scheduled for next Monday.

The Justice Department lawyers on the case are concerned that any official White House statements that the President will sign the "compromise" legislation reauthorizing the Commission could be used by the plaintiffs to argue that the appeal is moot -- an argument that (if accepted by the Court) would preclude any chance of reversing the District Court decision (which has implications for the President's general removal powers going beyond the narrow context of the Civil Rights Commission controversy).

Accordingly, I strongly recommend that no official statements be issued that the President will sign this legislation, unless and until the appeal is decided or we make a conscious decision that, for one reason or another, we no longer wish to pursue it.

THE WHITE HOUSE

WASHINGTON

November 7, 1983

MEMORANDUM FOR JAMES A. BAKER, III
CHIEF OF STAFF AND
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Political Activity Briefing

Outlined below are (1) a brief description of the sequence of events for today's 2 PM briefing for White House staff on political activity, and (2) some proposed talking points for your use in that briefing.

SEQUENCE OF EVENTS

1. White House Staff welcomed by Fred Fielding who introduces Jim Baker.

2. Jim Baker makes brief remarks.

3. Fred Fielding introduces Sherrie Cooksey who gives a detailed explanation of permissible and impermissible political activities by White House Staff.

RECOMMENDED TALKING POINTS

- As you know the President has authorized Senator Laxalt to form the Reagan-Bush '84 political committee. Once the President becomes an announced candidate for re-election, and I, personally, am confident that he will make such an announcement, your activities as members of the White House Staff will be carefully scrutinized by the press and others.

- I have requested that all of you attend this meeting because it is imperative that all White House staff be informed on what they may or may not do to support the activities of Reagan-Bush '84 and other political committees.

- I am asking each of you to pay careful attention to the details of the briefing that Fred and Sherrie are about to give -- because each of you will be expected to adhere strictly to those guidelines.

- Before they begin, however, I'd like to explain to you some other policy guidelines that will apply to all White House staff.

First: Margaret Tutwiler is the political liaison for the White House to Reagan-Bush '84. No one on the White House staff should call the campaign on any substantive issue without first clearing that call with Margaret's office.

Second: Although Fred and Sherrie will tell you how you may volunteer to work for Reagan-Bush '84, I want to stress to you that no one is to allow their volunteer political activities to interfere with the conduct of official business. You are all employees of the Federal government, not a campaign committee; as such, your first and foremost responsibility is to assist the President in the execution of his OFFICIAL responsibilities.

Third, and finally, if you have a special project you wish to recommend to Reagan-Bush '84, you should discuss that project with Margaret first. You are not to go to the committee and say "the White House" wants this project done and I'm the one to do it. That may be the eventual resolution of your recommendation, but you must understand that you cannot tell Reagan-Bush Committee aides that anything is a White House priority unless it has been cleared through Tutwiler's office.

- With those guidelines in mind, I hope you will all listen closely to what Fred and Sherrie have to say, and remember, if you have any doubts about anything you may wish to do for Reagan-Bush '84, or for any other political committee, ask first -- do not wait until you have already acted to get guidance on the propriety of such actions.

THE WHITE HOUSE

WASHINGTON

October 26, 1983

MEMORANDUM FOR EDWIN MEESE III
JAMES A. BAKER, III
MICHAEL K. DEAVER

FROM: RICHARD A. HAUSER

SUBJECT: Proposed Release of Nixon White House Special Files

As reported by recent news accounts, former Nixon White House staff members filed suit last week to enjoin the release of materials contained in Nixon's "special files unit". The court has established a briefing schedule (see attachment) which effectively postpones the date of release until early January 1984. These events, of course, do not obviate the need to decide whether this Administration, as discussed in my memorandum of October 17, 1983, should review the files and assert any claims of privilege with respect to these documents.

Attachment

U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

OCT 24 1983

MEMORANDUM FOR RICHARD A. HAUSER
Deputy Counsel to the President

Re: Richard V. Allen, et al. v. Carmen (D.D.C., filed Oct. 20, 1983).

We are informed by the Civil Division that at an in-chambers conference this morning before Judge Hogan in the above-styled case, the following briefing schedule was agreed upon:

November 14, 1983	Defendants' motion for summary judgment due.
November 21, 1983	Plaintiffs' motion to take depositions pursuant to Fed. R. Civ. P. 56(f) due.
November 23, 1983	Status conference before Judge Hogan.
December 2, 1983	Plaintiffs' cross-motion for summary judgment due.
December 9, 1983	Defendants' reply brief due.
December 15, 1983	Hearing before Judge Hogan on cross-motions for summary judgment.

It was agreed that plaintiffs would not conduct discovery until after November 21, 1983.

Judge Hogan was also informed that the Archivist will extend the deadline for all persons to submit any claims of right or privilege which would prevent or otherwise limit access to the White House Special Files until January 3, 1984.

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR JoANN MULLINS
ACTING FREEDOM OF INFORMATION OFFICER
ECONOMIC DEVELOPMENT ADMINISTRATION
DEPARTMENT OF COMMERCE

Orig. signed by FFF

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Freedom of Information Act Request Involving Representative Albosta and Michigan Agri-Fuels

Our Office has reviewed your September 2, 1983 letter and enclosures forwarding two documents originating in the White House that were identified as responsive to the above-referenced Freedom of Information Act request submitted by Gregory L. Gordon of United Press International.

We have no legal objection to release of these documents, both of which are being returned per your request.

We assume, however, that Mr. Albosta's letter of March 16 and the substantive response dated April 30, 1983 that was later sent by Assistant Secretary of Commerce Carlos Campbell are also among the documents being released in response to this FOIA request. Copies of these documents are also attached, for your reference.

Attachments

bcc: James A. Baker, III (w/attachments and UPI FOIA request)

Note to JAB III: There appears to be no sound legal argument for objecting to release of these documents. The paragraph about release of the related documents was added to help ensure that your acknowledgement and referral of Albosta's letter will not be taken out of context; as you will see, Campbell's response to the Congressman was essentially unfavorable. Let me know if you have any questions.

United Press International

GENERAL OFFICES
NEWS BUILDING, 220 EAST 42ND STREET
NEW YORK, N.Y. 10017

Written From
WASHINGTON BUREAU
315 NATIONAL PRESS BUILDING
WASHINGTON, D. C. 20004

83-50
due 8/30/83

Ms. JoAnn Mullins
Freedom of Information Officer
Room 7227 L
Economic Development Administration
Department of Commerce
14th St. and Constitution Ave. NW
Washington, D.C. 20230

Aug. 12, 1983

Dear Ms. Mullins:

This is an official request under the Freedom of Information Act, 5 U.S.C. 552 as amended.

I am writing to request copies of all correspondence from Rep. Donald Albosta, D-Mich., to the Economic Development Administration regarding federal loan guarantee applications by Michigan Agri-Fuels Inc.

In addition, I am requesting copies of all internal control correspondence between EDA's business loan division and the former assistant secretary and present assistant secretary regarding loans granted to that concern.

Further, I would like copies of all correspondence between White House officials and Commerce Department officials regarding the firm's loan-guarantee applications and any memoranda relating the results of internal analyses of the concern's financial condition.

Please mail the response to this request to Barbara Rosewicz at the UPI bureau because I will be on vacation for the next two weeks. However, if you have questions in the next several days, I may be reached at home, 543-5237. Ms. Rosewicz can be reached through the UPI bureau at 637-3700.

I will look forward to hearing from you within the next 10 days.

Sincerely,

Gregory L. Gordon

DON ALBOSTA
10TH DISTRICT, MICHIGAN

COMMITTEES:
PUBLIC WORKS AND TRANSPORTATION
POST OFFICE AND CIVIL SERVICE
AGRICULTURE
AGING

WASHINGTON OFFICE:
1318 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-3561

Congress of the United States
House of Representatives
Washington, D.C. 20515

DISTRICT OFFICES

419 S. SAGINAW ROAD
MIDLAND, MICHIGAN 48640
(517) 839-0790

862 E. 8TH STREET
TRAVERSE CITY, MICHIGAN 49684
(616) 946-0209

THE MATTHEWS BUILDING
300 W. MAIN STREET
OWOSSO, MICHIGAN 48867
(517) 723-6759

March 16, 1982

070041

Hon. James A. Baker, III
Chief of Staff and
Assistant to the President
The White House
Washington, D.C.

Dear Jim:

I am writing concerning our earlier conversation and correspondence about an additional Economic Development Administration (EDA) loan for Michigan Agri-Fuels, Inc.

Just recently I was reviewing the March 4, 1982, testimony presented by Carlos Campbell, Assistant Secretary of Commerce, on the EDA program to the House Appropriations Committee. Secretary Campbell discussed the management of the EDA business loan program. He stated the following:

"This management effort must be carried out in an objective, professional and business-like manner. In our direction of the portfolio, it is our objective to assist those projects experiencing financial difficulty and to retain the economic development benefits associated with the project."

As you know from our previous conversations, I believe the Michigan Agri-Fuels project only needs short-term assistance so that the full economic development benefits will be received in the central Michigan area. The additional loan guarantee money will only be needed until July, and the project's economic viability continues to be supported by others involved in the project, including the Farmers Home Administration.

If you would like to further discuss this matter, please let me know. Again, thank you for your consideration and assistance.

Best Wishes,

Don Albosta
Member of Congress

DA/CE1

April 5, 1982

070041

Dear Don:

Thank you for your letter of March 16.

I appreciate your keeping me apprised of the Michigan Agri-Fuels project. I have forwarded your letter to the Department of Commerce with a request that the appropriate officials review your correspondence. I am sure that a follow-up response will be forthcoming in the near future.

Thank you once again for keeping me informed of the current status of this project.

With best regards,

James A. Baker, III
Chief of Staff and
Assistant to the President

The Honorable Don Albosta
House of Representatives
Washington, D.C. 20515

cc: Carlos Campbell & incoming--(C-track to DOC)
✓ Kathy Camalier--for JAB files
✓JAB Chron

THE WHITE HOUSE OFFICE

REFERRAL

APRIL 8, 1982

TO: DEPARTMENT OF COMMERCE
ATTN: EXECUTIVE SECRETARIAT

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

REMARKS: PLEASE FOLLOW - UP ON JIM BAKER'S APR 5 82, RESPONSE AS SOON AS POSSIBLE

DESCRIPTION OF INCOMING:

ID: 070041

MEDIA: LETTER, DATED MARCH 16, 1982

TO: JAMES BAKER

FROM: THE HONORABLE DON ALBOSTA
U. S. HOUSE OF REPRESENTATIVES
WASHINGTON DC 20515

SUBJECT: WRITES REGARDING THE MICHIGAN AGRI - FUELS PROJECT AND ITS NEED FOR SHORT - TERM ASSISTANCE FROM EDA

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE (OR DRAFT) TO:
AGENCY LIAISON, ROOM 62, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Economic Development
Washington, D.C. 20230

80 AF

- mc

Honorable Don Albosta
House of Representatives
Washington, D. C. 20515

Dear Mr. Albosta:

This is in response to your letters of March 13 and 16 to the Honorable James A. Baker, III, Assistant to the President, regarding Michigan Agri-Fuels, Inc. (MAF). On February 24, 1982, the National Bank of Detroit (NBD) made demand upon the Economic Development Administration (EDA) to honor its 90% guaranty of NBD's $6.7 million loan to MAF. Until this demand is honored, NBD retains primary loan servicing responsibility on their loan to MAF.

Neither MAF nor any other lending institution has made application to EDA for any new financial assistance. Due to MAF's present difficulties, its immediate need for cash and EDA's budget constraints, EDA does not encourage such a request from MAF, nor do we think it is a practical approach.

Based on a meeting held here on March 2, 1982, at the request of NBD, among representatives from MAF, NBD, Alma Bank, Farmers Home Administration, EDA and others, we understand that the principals of MAF are assessing their position in this matter. MAF remains in control of this project and we understand that their future intentions will be made known to NBD and EDA and others, probably by early May, if not sooner.

At the March 2 meeting, NBD and EDA representatives expressed a willingness to be prudently flexible in administering the NBD-EDA-guaranteed loan so as to assist MAF in achieving viability.

Incidently, in your letter to the Honorable James A. Baker, III, you "quoted" me out of context. My full statement was as follows:

> "In our direction of the portfolio, it is our objective to assist those projects experiencing financial difficulty and to retain the economic development benefits associated with the project. However, in those instances where a firm cannot achieve and maintain financial viability, we must protect the Government's interest and maximize returns. Accordingly, we will move to the liquidation phase those projects where a work out is not possible."

Sincerely,

Carlos C. Campbell
Assistant Secretary
for Economic Development

4/14/82

Control No. 204116s

EDA/OBL/McCracken/Muller/blc/4/16/82 Rewritten CCCampbell/bsw 4/29/82
cc: Comm.Secretariat/OCA/Admin/Signer/Warner/Corrigan/Beringer/Co
Muller/Metz/EDR/Reg.Dir./McCracken/File/Chron/Papermaster/

THE WHITE HOUSE

WASHINGTON

October 20, 1983

MEMORANDUM FOR JAMES A. BAKER, III
CHIEF OF STAFF
AND ASSISTANT TO THE PRESIDENT

THROUGH: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

FROM: SHERRIE M. COOKSEY SMC
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Conversation with Congressman Vin Webber

In accordance with your request, I called Congressman Webber to respond to his concern regarding certain proposed regulations being considered by the FEC. Webber was under the impression that these regulations would severely restrict the ability of organizations such as the NRA and Right to Life to distribute voter guides and that this would seriously jeopardize the re-election of Senators Jepsen and Boschwitz as well as other Republican candidates.

I advised Webber that, in my opinion, these regulations would not significantly change the current state of the law. Moreover, these regulations would not impair the ability of incorporated non-profit membership organizations to communicate with their members. Webber asked if the regulations would preclude these groups from framing questions as they wished for voter guides they would distribute. I explained that if the voter guides were to be distributed to the general public, the regulations would require the questions to be framed in a "non-partisan manner" and the entire responses of the candidates would have to be printed (although the organization could put a space limit on responses). In voter guides distributed to the public rather than to the organizations' members, there could be no editorial comments. Again, however, I noted that this was the current state of the law. Additionally, I pointed out that these groups could ask factual questions such as "What is your position on the need for legislation to protect human life?" and print each candidate's response to that question. The organizations would simply need to be creative in the formulation of these questions. Webber's concerns seemed to diminish with this explanation.

I explained to Webber that the FEC had adopted these regulations by a 5-1 vote today and that it would be sending the regulations to Congress for a thirty-day legislative review period. I further stated that before the Chada (legislative

veto) decision, the FEC had submitted these same regulations to the Congress and had withdrawn them because of the likelihood of a Senate veto. The FEC now plans to promulgate these regulations at the end of this 30 day legislative comment period unless it receives significant comments from the Congress, or a concurrent resolution is passed by both Houses prohibiting or changing these regulations. Webber asked if that meant he could do something about these regulations and I responded, yes, the Congress could, if it chose to, adopt legislation restricting the FEC's ability to issue regulations in this area.

Webber seemed satisfied with this information and asked me to thank you for your assistance.

THE WHITE HOUSE

WASHINGTON

October 17, 1983

MEMORANDUM FOR JAMES A. BAKER III
CHIEF OF STAFF
AND ASSISTANT TO THE PRESIDENT

DAVID GERGEN
ASSISTANT TO THE PRESIDENT FOR COMMUNICATIONS

LARRY SPEAKES
ASSISTANT TO THE PRESIDENT
AND PRINCIPAL DEPUTY PRESS SECRETARY

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Effect of the President's Legal Candidacy Status under Federal Election Laws on His Weekly Radio Talks

This will respond to your inquiry as to whether the President's status as a "candidate" under the Federal election laws will affect the airing of his weekly radio talk.

Section 315 of the Communications Act of 1934 as amended, requires broadcasters to provide equal opportunities for use of a broadcasting station to "legally qualified candidates" for public office. This is commonly known as the "equal time rule". The Federal Communications Commission ("FCC") has issued regulations defining a "legally qualified candidate" for nomination as President or Vice President as someone who:

1. has publicly announced his intention to run for nomination or office;

2. is qualified under applicable laws to hold that office; and

3. either (a) has qualified for a place on the ballot in a state (to be a candidate in that state), and in 10 or more states to be a legally qualified candidate in all states; or (b) has made a "substantial showing" of bona fide candidacy in such states. A substantial showing means engaging to a substantial degree in activities commonly associated with political campaigning. 47 C.F.R. § 73.1940(a).

In 1979, the FCC was asked to declare that Ronald Reagan was a "legally qualified candidate" for the Republican nomination

for President despite his failure to issue a specific announcement of candidacy. 1/ At that time, Reagan was appearing in daily radio broadcasts; a "Reagan for President Committee" had been established and registered with the Federal Election Commission; and Reagan was a legal candidate under Federal election laws. However, he was not actively campaigning for the 1980 Republican Presidential nomination. Petitioners sought a declaratory ruling that Reagan was a "legally qualified candidate" on the basis that the public announcement requirement of the FCC regulations was satisfied by Reagan's "obvious intention to seek the Republican nomination for the Presidency". 2/

Although the FCC recognized that "a formal declaration of candidacy is not necessarily essential to satisfy the public announcement requirement" of § 73.1940(a), it found no facts to demonstrate that Reagan had made a "substantial showing" that he was a bona fide candidate or that he had qualified for any state primary. Accordingly, it determined that Reagan had not made a public announcement of an intention to run for the 1980 Republican nomination.

The FCC specifically stated that an individual's legal status as a "candidate" under Federal election laws did "not affect the definition of a legally qualified candidate for purposes of Section 315 of the Communications Act and does not supersede the Commission's definition of that term in its Rules." 3/ In explaining this conclusion, the FCC noted that the purpose of the Federal Election Campaign Act, as amended, is to "prevent undue influence of candidates for Federal office by regulating political campaign financing", while the purpose of Section 315 of the Communications Act "is to insure that all candidates are treated equally by broadcasters." 4/

In making its analysis, the Commission rebutted the suggestion that an individual could avoid becoming a "legally qualified candidate" by merely refusing to make a formal announcement of his candidacy, by stating that if a person has engaged to a substantial degree in activities commonly associated with political campaigns, "it is difficult to envision that during

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1/ In re Request of National Citizens Committee for Broadcasting, 75 F.C.C. 2d 650 (1979). (Attached.)

2/ Id. at 651.

3/ Id. at 654.

4/ Id.

these activities he would not indicate that he is a candidate." If that were to occur, the Commission would not ignore that evidence and allow a claim by the candidate that he is not legally qualified because he has not "announced."

CONCLUSION

The "equal time" rule of Section 315 of the Communications Act does not apply to the President's radio talks at this time. Once the President has formally announced and has either taken the steps necessary to qualify on the ballots for primaries or Presidential preference showings in 10 or more states, or has made a "substantial showing of bona fide candidacy", the equal time rule will apply to his radio talks.

It should be noted, however, that under current FCC intepretations of the equal time rule, only the President's opponents for the Republican nomination will be entitled to "equal time" for his broadcast appearances. 5/ To our knowledge, the FCC has never addressed the issue of whether the candidates for the nomination of one party are entitled to equal time for political broadcast appearances of the unchallenged incumbent President of another party who is seeking nomination for re-election. It is certainly possible that once the President becomes an announced candidate for the Republican nomination that the candidates for the Democratic nomination would seek "equal time" for his political broadcast appearances; however, until the FCC rules to the contrary, the equal time rule would only apply to any "legally qualified candidates" opposing the President for the Republican nomination.

Even though the equal time rule does not apply to the President's broadcast appearances at this time, it must be borne in mind that until such time as he is a "legally qualified candidate" under the Communications Act, all of his broadcast appearances will be subject to the "Fairness Doctrine". As in the past, this would result in the networks providing the Democratic party with an opportunity to reply to broadcast appearances by the President involving controversial public issues.

RECOMMENDATION

You should respond to the question, "Isn't the President delaying his formal announcement because of the equal time rule?" by stating (in addition to your policy arguments against "politicizing" the President's ability to govern): "No, the equal time rule will not really affect the President's

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5/ See In re request of National Citizens Committee for Broadcasting, 75 FCC 2d 650 at 658 (1979).

radio talks or other broadcast appearances because until a candidate has been nominated, the FCC has consistently required broadcasters to provide equal time only to his primary opponents; since we are not aware of any opponents of the President for the Republican nomination who will meet the FCC standards for entitlement to equal time, the equal time rule really will not be a factor in the President's broadcast appearances until after the Republican National Convention."

Once the President has formally announced his candidacy, all broadcast apearances planned for him should be reviewed by this Office for analysis as to whether such appearances would constitute a "use" 6/ which would trigger the equal time rule.

Finally, it is recommended that the campaign officials be advised not to take the steps necessary to place the President on any primary ballots or delegate selection preferences until after his formal announcement.

6/ Appearances by a "legally qualified candidate" of any (1) bona fide newscast, (2) bona fide news interview, (3) bona fide news documentary, or (4) on-the-spot coverage of bona fide news events, are not considered "uses" which would trigger the equal time rule. However, the characterization of certain activities (e.g., presentation of awards or appearances on "news/talk" shows) may be subject to interpretation as to whether they fall within these exempt categories.

Political Candidate, Presidential
Political Candidate, Qualifications
Political Candidate, Qualified, Announcement Of Candidacy

Requests for declaratory order that Ronald Reagan is a legally qualified candidate for G.O.P. presidential nomination (Sec. 73.1940), and to amend that rule, both denied. Petitioners contend the legal standard should be substantial showing of candidacy, not formal declaration. Commission requires showing of concrete plan by candidate to win convention delegates.

FCC 79–440

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In Re Request of

National Citizens Committee for Broadcasting and Nicholas Johnson for

Declaratory Ruling and

In Re Petition of

National Citizens Committee for Broadcasting and Nicholas Johnson for

Rulemaking

MEMORANDUM OPINION AND ORDER

(Adopted: July 19, 1979; Released: August 15, 1979)

BY THE COMMISSION: CHAIRMAN FERRIS DISSENTING TO THE DENIAL OF THE RULEMAKING REQUEST; COMMISSIONER QUELLO ABSENT; COMMISSIONER FOGARTY CONCURRING IN PART AND ISSUING A STATEMENT.

1. The Commission has before it a Request for Declaratory Ruling and a Petition for Rulemaking, both filed on May 10, 1979 by the National Citizens Committee for Broadcasting and Nicholas Johnson. Also before the Commission is a "Supplementary Submission" dated June 13, 1979.[1] Petitioners, in their Request for Declaratory Ruling,

[1] The purpose of the Supplement is to "supply public materials evidencing the seriousness of Mr. Reagan's candidacy. . . ." The following materials were attached to the supplement: (1) copies of correspondence involving the Federal Election Commission; (2) selected newspaper articles which petitioners contend illustrate the

ask the Commission to declare that Ronald Reagan is a legally qualified candidate for the Republican nomination for President under Section 73.1940(a)[2] of the Commission's Rules. The Petition for Rulemaking also concerns Section 73.1940(a). Petitioners claim that the rule should be amended to include "individuals whether they have 'publicly announced' that they are seeking a party's Presidential nomination or not if they are in fact doing so."

2. *Request for Declaratory Ruling.* Petitioners contend that Ronald Reagan should be found to be a legally qualified candidate for the Republican Presidential nomination despite his failure to issue a specific announcement of candidacy. They assert that the requested ruling is necessary in view of "Mr. Reagan's obvious intention to seek the Republican nomination for the Presidency, combined with his current daily broadcasts" and the fact that his opponents may be "reluctant" to request equal opportunities. Petitioners allege that it is clear that Mr. Reagan intends to seek the Republican nomination because: (1) Senator Laxalt acknowledged on CBS' November 4, 1978 segment of "Face the Nation" that Mr. Reagan had decided to seek the nomination; (2) Mr. Reagan consented to Senator Laxalt's chairing of a "Reagan for President Committee" in a letter dated March 2, 1979; (3) the Reagan for President Committee filed a Statement of Organization with the Federal Election Commission on March 9, 1979; (4) Mr. Reagan failed to respond to a notice of the Federal Election

"seriousness of Mr. Reagan's candidacy"; (3) several pages from the February 4, 1979 transcript of "Face the Nation"; and (4) newspaper articles from 1975 which allegedly illustrate the similarity between Mr. Reagan's past and current election campaigns.

[2] 47 C.F.R. 1940(a). Section 73.1940(a) provides in pertinent part that:

(a) Definitions. (1) A legally qualified candidate for [nomination to] public office is any person who-

(i) has publicly announced his or her intention to run for nomination;

(ii) is qualified under the applicable local, state or federal law to hold the office for which he or she is a candidate; and

(iii) has met the qualifications set forth in . . . [subparagraph] (4) below.

(4) A person seeking nomination for the office of President or Vice President of the United States shall, for the purposes of the Communications Act and the rules thereunder, be considered a legally qualified candidate only in those states or territories (or the District of Columbia) in which in addition to meeting the requirements set forth in [clauses (a)(1)(i) and (a)(1)(ii)] above,

(i) he or she, or proposed delegates on his or her behalf, have qualified for the primary or Presidential preference ballot in that state, territory or the District of Columbia, or

(ii) he or she has made a substantial showing of bona fide candidacy for such nomination in that state, territory or the District of Columbia; *Except*, That any such person meeting the requirements set forth in paragraph (a)(1) and (4) in at least ten states (or nine and the District of Columbia) shall be considered a legally qualified candidate for nomination in all states, territories and the District of Columbia for purposes of this Act.

Commission dated March 23, 1979 informing him that he would be deemed to be a candidate under Federal election law in the event that he failed to disavow his candidacy within 30 days; and (5) Mr. Reagan has been broadcasting daily commentaries on nearly 250 radio stations "since mid-1976" which broadcasts allegedly "provide him with extremely valuable extensive public exposure."

3. *Petition for Rulemaking.* Petitioners claim, that Section 73.1940(a)(1)(i) should be amended so that a "functional, pragmatic" approach will be employed. They assert that a candidate who has made a "substantial showing" of candidacy, as defined in Section 73.1940(a)(5)[3] should be deemed to have made a public announcement. They allege that the present Section 73.1940(a)(1)(i) is inconsistent with the Federal Election Commission's regulations and that these inconsistencies permit candidates to attract delegates and financial contributions while at the same time depriving publicly declared candidates of their equal opportunities under Section 315.[4] Petitioners further allege that the proposed amendment is necessary because: (1) at least two contenders for the Republican presidential nomination who have already registered with the Federal Election Commission are allegedly withholding formal announcements of candidacy for the purpose of "avoiding" Section 315;[5] (2) history demonstrates that the existence of a presidential candidacy does not depend on a formal declaration;[6] and (3) the test of whether a public declaration of

[3] Section 73.1940(a)(5) provides that:

> The term "substantial showing" of bona fide candidacy . . . means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing.

[4] 47 USC 315.

[5] Petitioners claim that both Ronald Reagan and Senator Howard L. Baker, Jr. are withholding public announcements of their candidacies in order to avoid the equal opportunities requirement. Senator Baker allegedly "flaunted his disrespect for the integrity of the electoral process that Section 315 was intended to protect" by announcing on the April 29, 1979 broadcast of "Face the Nation" that "[y]ou know I am a candidate for the Republican nomination. I haven't announced yet, but . . ." Regarding Mr. Reagan, petitioners allege that he broadcasts daily commentaries on over two hundred radio stations and that this use of the media constitutes a "serious violation" of Section 315. We should note, at this point, that a *use* by a candidate does not "violate" Section 315(a). A violation of the equal opportunities provision of subsection (a) occurs only when a licensee fails to provide "equal opportunities" to any candidate who is entitled to and has made a request for such opportunities.

[6] Petitioners assert that in the 1952 and 1968 Presidential elections, a major party nominated a man who never entered a primary; that in 1952, the Democrats nominated Governor Adlai Stevenson even though Senator Estes Kefauver emerged

candidacy has been made must be functional in nature since Section 315 was enacted to protect minority-party candidates.

4. Petitioners assert that Section 73.1940(a) should be amended to add the underlined material as follows:

> (a) Definitions. (1) A legally qualified candidate for public office is any person who-
>
> (i) Has publicly announced his or her intention to run for nomination or office *or has otherwise made a substantial showing that he or she is a bona fide candidate for nomination or office; Provided, however, that no person may obtain equal opportunities without a public announcement of his or her candidacy.*
>
> (5) The term "substantial showing" of bona fide candidacy as used in paragraphs (a)(1)–(4) of this section means evidence that the person claiming to be a candidate has engaged to a substantial degree in activities commonly associated with political campaigning. Such activities normally would include making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee, and establishing campaign headquarters (even though the headquarters in some instances might be the residence of the candidate or his campaign manager). Not all of the listed activities are necessarily required in each case to demonstrate a substantial showing, and there may be activities not listed herein which would contribute to such a showing. *Meeting any of the requirements of the Federal Election Commission to constitute candidacy shall raise a presumption for purposes of this section that an individual is a candidate whose broadcasts necessitate equal opportunities.*

Discussion

5. *Declaratory Ruling.* Petitioners assert that a declaratory ruling that Mr. Reagan is a legally qualified candidate is warranted since the public announcement requirement of Section 73.1940(a) is satisfied by his "obvious intention to seek the Republican nomination for the Presidency. . . ." However, even assuming that Mr. Reagan could be deemed to have made a public announcement of an intention to run, in order to be considered a legally qualified candidate, Mr. Reagan must also satisfy the remaining requirements of the definition of a legally qualified candidate.[7] A public announcement standing alone is not sufficient to satisfy the definition of a legally qualified candidate. Under Section 73.1940(a)(4) a candidate must also show that he has qualified for the Presidential primary ballot in a particular state or that he has made, a "substantial showing of bona fide candidacy" in that state. Petitioners have not shown that Mr. Reagan has made a "substantial showing of bona fide candidacy" in any particular state.[8]

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from the primaries as the most popular candidate; and that in 1968, Senator Hubert Humphrey secured a majority of the convention votes by merely carrying state caucuses.

[7] The eligibility "to hold the office" criterion is not in dispute and will not be discussed herein.

[8] Although the articles submitted by petitioners indicate that Mr. Reagan is seriously considering running for President, none of the articles indicate either an affirmative declaration of candidacy or that he is engaged in any substantial way with campaign activities that constitute a "substantial showing" under our rule. For example, although the March 8, 1979 article from the New York Times that petitioners submitted on June 13, 1979 states that "[t]he announcement of the [formation of a

Nor have they shown that he has qualified for any state primary. They assert only that "[f]or some time it has been clear that Ronald Reagan intends to seek the Republican nomination for Presidency." The other factors cited by petitioners in paragraph 2, above, do not constitute evidence relevant to making a substantial showing in any specific state. Therefore, even if Mr. Regan had publicly announced, we cannot find that he is a legally qualified candidate within the meaning of the rule.

6. Furthermore, petitioners' failure to show that Mr. Reagan has satisfied the requirements of Section 73.1940(a)(4) undermines their contention that he has, in effect, made a public announcement. We recognize that a formal declaration of candidacy is not necessarily essential to satisfy the public announcement requirement and that qualifying for a place on the ballot or making a "substantial showing of bona fide candidacy" may be sufficient. See *Law of Political Broadcasting and Cablecasting*, 69 FCC 2d 2209 at 2229, (hereafter *Primer*), and paragraph 13, below. However, as discussed above, petitioners have not shown that Mr. Reagan has made such a substantial showing or that he has qualified for any state primary. Therefore, in our view he has not made a public announcement of an intention to run for nomination.

7. Petitioners argue that the filing of a Statement of Organization with the Federal Election Commission and Mr. Reagan's failure to respond to the Federal Election Commission's letter of March 23, 1979 should be taken as evidence of his intention to run. We have ruled otherwise. In *Anthony R. Martin-Trigona* (WGN) 66 FCC 2d 968 (Broadcast Bureau 1977); *Application for Review denied*, 67 FCC 2d 33 (1977); *reconsideration denied*, 67 FCC 2d 743 (1978), the Commission stated that "the only definition of candidate contained in the Federal Election Campaign Act appears in Section 431(b) [formerly 301(b)] and is specifically limited to Chapter 14 of that Act. Thus, it does not affect the definition of a legally qualified candidate for purposes of Section 315 of the Communications Act and does not supersede the Commission's definition of that term in its Rules." 67 FCC 2d at 34. In reaching this conclusion, the Commission quoted with approval a ruling of the Broadcast Bureau, in which the Bureau stated that:

> Although a person may be legally qualified under the Federal Election Campaign Act for the purposes for which that statute was enacted, that person is not necessarily so qualified under the terms and for the purposes of the Communications Act. Each Act is designed to regulate different aspects of political

campaign committee by Mr. Reagan's supporters is] to be followed by the opening of a campaign headquarters in Los Angeles," we do not believe that this evidence is sufficient to establish that he has made a "substantial showing of bona fide candidacy" in California. Petitioners have furnished no evidence to show that Mr. Reagan himself has engaged in political campaigning in California. The newspaper article that they have submitted states only that his supporters opened a campaign headquarters in Los Angeles.

campaigning and the respective definitions for legally qualified candidates must be tailored to serve the intent of the statutes and scope of authority of the agencies assigned the task of enforcing these statutes. *Id.*

The Federal Election Campaign Act, as amended, was enacted to prevent undue influence of candidates for federal office by regulating political campaign financing.[9] The purpose of Section 315 is to insure that all candidates are treated equally by broadcasters.[10]

8. In light of these different statutory purposes, the fact that a candidate has complied with certain requirements of the Federal Election Campaign Act is not determinative as to whether he is a legally qualified candidate under Section 73.1940(a). Section 433(a) of the Federal Election Campaign Act, 2 U.S.C. 433(a), provides in relevant part that: "Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1000 shall file with the Commission a statement of organization . . ." Thus, a candidate might file a statement of organization in order to receive contributions, for the sole purpose of measuring the popularity of his candidacy by the amount of contributions received. Such a filing might be preparatory to the commencement of a serious campaign. A stronger showing of purpose, such as a concrete plan of a Presidential candidate to attract convention delegates, would be necessary to establish the firm intention of candidacy that is required by Section 73.1940(a). We require this stronger showing because the primary purpose of Section 315 is to prevent broadcast licensees from giving favored coverage to one serious candidate over another. Stated differently, our only concern here is to insure that the public receives balanced coverage of political campaigns. Notwithstanding this stronger showing requirement, the Commission might consider any action by a candidate taken pursuant to the Federal Election Campaign Act as a factor in determining whether that candidate has made a substantial showing for purposes of Section 315. In view of the foregoing discussion, and filing of a statement of Organization with the Federal Election Commission and Mr. Reagan's failure to respond to the Federal Election Commission's letter of March 23, 1979 do not constitute evidence that he "has publicly announced his . . . intention to run for nomination."[11]

9. *Rulemaking* - The process of becoming a legally qualified

[9] *Buckley v. Valeo*, 424 U.S. 1, 25 (1976).

[10] *See Primer* at 2216.

[11] We recognize that many persons including those in the news media assume that Mr. Reagan is a candidate for the Republican nomination for President in 1980. However, as the agency designated to determine candidate's rights under Section 315, we cannot base such determinations on assumptions. We have promulgated rules which are reasonable and enable us to fulfill our statutory obligation on the basis of facts presented to us. For the reasons set forth above, petitioners have presented no facts to warrant conclusions by us that Mr. Reagan is a legally qualified candidate.

candidate consists of three steps (1) announcing publicly (2) being qualified for the office; *and* (3) qualifying for a place on the ballot *or* making a substantial showing.[12] Petitioners claim that, therefore, a candidate who wants to deprive his opponents of equal opportunities can merely skip the public announcement step and actually campaign for office without being considered a legally qualified candidate by the Commission. Petitioners suggest amending the rule to allow substantial showing as a substitute for public announcement.

10. Since Section 315 of the Communications Act applies only to legally qualified candidates, a clear-cut standard for determining whether a probable political hopeful is a candidate within the meaning of the intent of Section 315 is crucial. As the Court stated in *McCarthy* v. *FCC*, 390 F. 2d 471, 474 (D.C. Cir. 1968):

> The obvious difficulty in determining whether a likely public figure is a candidate within the intent of the statute justifies the Commission in promulgating a more or less absolute rule. If the application of such a rule more often than not produces a result which accords with political reality, its rational basis is established. But no rule in this sensitive area can be applied mechanically without in some instances, at least, resulting in unfairness and possible constitutional complications.

11. In order to provide some measure of certainty to licensees, the Commission has long required a public announcement of candidacy. Without the requirement of some clear starting signal a licensee would feel compelled to reserve time for possible equal opportunities requests every time it presented a public or political figure on a nonexempt program. Such difficulties in planning might lead licensees to avoid presenting all public or political figures. While the public announcement standard does not remove all uncertainties, it does narrow the field of possible candidates.

12. However, the Commission is aware that, as pointed out in *McCarthy*, *supra*, any mechanical standard can lead to injustice. Therefore, the Commission has recognized that some actions are the equivalent of a public announcement. The Commission's political *Primer* states:

> A candidate may meet the "public announcement" requirement of the rules by simply stating publicly that he is a candidate for nomination or election to a certain office. Filing the necessary papers or obtaining the required certification under his State's laws in order to qualify for a place on the ballot is considered to be the equivalent of a public announcement of candidacy. However, a public announcement of candidacy will not be presumed to have been made merely because a person is "expected to run" or because some of his friends and associates are seeking support for him in the expectation that he will run. [69 FCC 2d at 2229.]

13. We are not persuaded that the Commission would be helpless under the present rule if a candidate should campaign actively, fulfill all the other requirements of candidacy and yet attempt to defeat his rivals' equal opportunities rights by not formally announcing. If such a

[12] See Footnote 2, *supra*.

candidate filed the necessary papers to qualify for a place on the ballot for a state primary, he would be deemed to have publicly announced. By the same token, if he made a substantial showing that he was a candidate, as set forth in 73.1940(a)(5), it is quite possible that the Commission would find that his statements or perhaps even his behavior constituted the equivalent of a public announcement. On that basis the Commission might further find him legally qualified under our rules. Moreover, if a person "has engaged to a substantial degree in activities commonly associated with political campaigns [such as] making campaign speeches, distributing campaign literature, issuing press releases, maintaining a campaign committee and establishing campaign headquarters" it is difficult to envision that during these activities he would not indicate that he is a candidate. Certainly the Commission would not ignore such evidence and allow a claim by the candidate that he is not legally qualified since he "has not announced yet." Such evidence would constitute a public announcement of candidacy. Based on the foregoing, Commission action in this regard would be in accordance with the court's observations in *McCarthy* that "no rule in this sensitive area can be applied mechanically . . . ." [13] In view of these considerations we do not believe that the proposed amendment is necessary or in the public interest. In light of this, petitioners' reference to the 1952 and 1968 conventions are inapposite since our present rules would cover candidates who make a substantial showing whether or not they enter any primary.

14. The Commission must guard against becoming so flexible that it grants undue discretion to licensees in effecting the clear mandate of Section 315 that "if any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to *all* other such candidates for that office in the use of such broadcasting station . . . ." (Emph. added.) In fulfilling its mandate the Commission must keep in mind the legislative intent of Section 315 that no legally qualified candidate would be able to acquire unfair advantage over an opponent through favoritism of a licensee in selling or donating time. S. Rep. No. 562, 86 Cong., 1st Sess. 8 (1959). Also, as pointed out by petitioners, Section 315 was also enacted to protect minority candidates.[14] Therefore, the Commission must develop a definition which does not rely upon licensee discretion since such a method could hardly guard against licensee favoritism. Also, minority party candidates are likely to seem

[13] The Court in *McCarthy, supra*, pointed out that "program content, and perhaps other criteria, may provide a guide to reality where a public figure allowed television or radio time has not announced for public office." Given the particular facts before it, the Court concluded that the application of our rule did not produce "an unreasonable result." It left open, however, the possibility that the Commission in some cases may be required to infer a public announcement from actions or statements.

[14] *See* 1 Pepperdine L. Rev. 178 (1955).

less important to licensees than majority party candidates even though both may be legally qualified for purposes of Section 315. Consequently, the Commission needs a rule that is clear and definite with just enough flexibility to prevent the occasional injustice which might arise from a mechanical standard. Our present rule is designed to achieve that end, and we believe that it reflects the peculiar nature of our nominating procedures, provides reasonable standards, and strikes a balance between a rigid and possibly unfair definition of a legally qualified candidate for President and a wide-open definition which could only lead to more uncertainty and not serve the public interest.

15. As noted above, petitioners state that Section 315 was intended primarily to protect minority-party candidates and imply that Senator Baker and Governor Reagan are somehow infringing on the rights of minority-party candidates by not announcing. However, Messrs. Baker and Reagan are both Republicans. Therefore, even if both were to become legally qualified, the only candidates entitled to equal opportunities would be those seeking the Republican nomination. As stated in the Commission's *Primer*, *supra*, at 2238.

> The Commission has long held that while both primary and general elections fall within the scope of Section 315, such elections must be considered independently of each other, and equal opportunities, within the meaning of Section 315, need be afforded only to legally qualified candidates for the same office in the same election. *Hon. Joseph S. Clark*, 40 FCC 332 (1962); *Hon. Clarence E. Miller*, 23 FCC 2d 121 (1970); *Richard B. Kay*, 24 FCC 2d 426 (1970); *aff'd;* 443 F. 2d 638 (D.C. Cir. 1970); *KTTS*, 23 FCC 2d 771 (1970); *reconsid. denied*, 24 FCC 2d 541 (1970).

16. Petitioners argue that our present public announcement requirement is inconsistent with the Federal Election Commission's regulations and that these inconsistencies permit candidates to attract delegates and financial contributions while depriving publicly declared candidates of their rights under Section 315. The last sentence of their proposed rule states: "Meeting any of the requirements of the Federal Election Commission to constitute candidacy shall raise a presumption for purposes of this section that an individual is a candidate whose broadcasts necessitate equal opportunities." This is tantamount to applying the FEC criteria to areas properly regulated by the FCC. As explained above in paragraphs 7 and 8 the FECA and the Communications Act have different purposes; i.e., the Federal Election Campaign Act of 1971, as amended, was enacted to regulate campaign financing while Section 315 was enacted to require broadcasters to allow all candidates for the same office equal opportunities in the use of the airways. The FEC's definition, recommended to us by petitioners, was tailored to the intent of the Federal Election Campaign Act and not to either the intent of the Communications Act or the Commission's scope of authority.

17. One further point raised by petitioners deserves comment. They claim that "[t]he compelling public policy underlying Section 315 is that opponents seeking political office are entitled to equal access to

the airwaves, and that listeners have a right to hear contrasting opinions of competing candidates once a licensee has provided one candidate with air time." Obviously, once a person becomes a *legally qualified* candidate Section 315 applies. However, even before that time, any discussions of controversial issues of public importance by potential candidates, prominent public officials, or incumbent office holders are subject to the Fairness Doctrine. Petitioners have presented no information that any licensee has failed to comply with the Fairness Doctrine in connection with broadcasts by so-called potential candidates who are not subject to Section 315. For the foregoing reasons, we believe that the rule changes urged by the petitioners would be unnecessary and undesirable.

18. Accordingly, IT IS ORDERED, That the Request for Declaratory Ruling and Petition for Rulemaking filed by the National Citizens Committee for Broadcasting and for Mr. Nicholas Johnson ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO, *Secretary.*

STATEMENT OF COMMISSIONER JOSEPH R. FOGARTY

Concurring in Part; Dissenting in Part

IN RE: REQUEST FOR DECLARATORY RULING AND PETITION FOR RULEMAKING BY NATIONAL CITIZENS COMMITTEE FOR BROADCASTING (NCCB) AND NICHOLAS JOHNSON

I concur in the Commission's denial of the petitioner's request for declaratory ruling because the facts and arguments advanced do not establish that Ronald Reagan has either qualified for any state Presidential primary ballot or made a substantial showing of candidacy within the meaning of the existing rule and precedent.

However, I would have granted the petition for rulemaking for the purpose of examining the question of whether there should be any time limitation on the applicability of Section 315 to Presidential candidates. The Commission has never squarely addressed this issue. In *Amendment of Parts 73 and 76*, 68 FCC 2d 1049 (1978), the Commission did establish a time limitation on the applicability of Section 315 for all candidates, except those for President and Vice President, who seek nomination through a convention, caucus or other procedure: Section 315 requirements do not apply 90 days prior to such convention, caucus or other procedure. But, the Commission gave no explanation as to how Presidential and Vice Presidential candidates were to be distinguished from this limitation.

There may be benefits in prescribing a time limitation for the applicability of Section 315 to Presidential and Vice Presidential candidates. Certainty of applicability or non-applicability of Section 315 "equal opportunities" requirements is clearly a virtue from the

standpoint of broadcaster understanding and compliance. Such certainty may also promote or encourage equitable treatment of lesser-known potential candidates in that broadcasters may be more willing to schedule such candidates in their programming if they are not subject to equal time demands by other candidates. In this regard, the Commission's existing open-ended approach for Presidential and Vice Presidential candidates may be seen as creating extremely difficult judgment calls for broadcasters and may pose a significant risk of manipulation by candidates or would-be candidates.

On the other hand (as always, there is another hand), establishing a time limitation on Section 315's applicability to Presidential and Vice Presidential candidates might create problems and costs outweighing any perceived virtues. The legislative history firmly establishes that Congress enacted Section 315 to prevent broadcasters from using their facilities to advance a favored candidate in a discriminatory manner. At this date, several persons have announced their candidacy for the Republican nomination for President. If Section 315 were not applicable pursuant to a time limitation, a broadcaster could use its facilities to advance the political interests of its favored candidate and thereby give that candidate an unfair advantage over his or her opponents who would be denied media exposure. If such practices developed, they would undercut the express Congressional policy of equality and would hurt particularly those candidates who announce early in hopes of developing voter recognition.

Because I believe that these issues of Section 315 interpretation should be pursued, I would grant the petition for rulemaking. I therefore dissent to the denial of the NCCB/Johnson petition.

RONALD W. REAGAN LIBRARY

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 3 LISTED ON THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

SUGGESTED PRESS STATEMENT BY SENATOR LAXALT
FOLLOWING HIS MEETING WITH THE PRESIDENT

I am delighted to state that the President will (a) sign all the documents authorizing the establishment of ~~his~~ 1984 campaign committee on this Monday. Following that, Reagan-Bush '84 will be officially established as the President's principal campaign committee.

Use form of letter from RR
(can go harder)

October 13, 1983

TALKING POINTS FOR SENATOR LAXALT'S VISIT

1. Visited the Presdient this afternoon to ask if on Monday, he would sign formal letters to the Federal Election Commission and to me, authorizing the formation of our re-election committee. I thought these letters would be very helpful to us in getting underway with the committee and would send a strong, positive signal about his thinking.

2. Very pleased to report that the President has decided he will sign these letters on Monday.

3. The letter to the FEC will say that he is authorizing Reagan-Bush '84 to be his principal campaign committee.

4. The letter to me is a personal blessing to the formation of our committee. It will also say that the committee "will be of great help to me should I decide to seek a second term as President."

5. Now, what does all this mean? It is significant on two counts:

   -- For the first time, we have the President's personal blessing to set up the re-election committee and have it in place, raising money and setting up operations in each of the 50 states. When the day comes for a formal declaration -- and I believe that day is not far off -- all the horses will be ready to run.

   -- Just as important, this sends a political signal -- it's a signal to his friends and supporters around the country to start gearing up for '84. That's just the signal we need.

6. I should caution you: the President still hasn't made a final decision yet. His hat still won't be in the ring on Monday. His options are still open.

So, he hasn't taken the plunge yet, but it's clear now that he's happy to have his feet wet.

This is an important, unequivocal step toward the re-election of Ronald Reagan in 1984.

Questions

1. Will the President officially become a candidate on Monday?

- From a strictly legal standpoint, yes, but as far as we're concerned, he is not really a candidate until he makes a final decision and formally announces his candidacy. The real significance of these letters are that (1) they give us his blessing to get organized and ready for his candidacy; and (2) they send a strong, positive signal about his thinking.

2. Why doesn't he go ahead an officially declare on Monday? Isn't this just a game? Aren't you being too coy?

- Not at all. The way our political system operates, it is sometimes necessary to authorize a fund-raising committee before a person actually makes up his mind about candidacy. Carter authorized a committee in early 1979 and didn't officially declare until late 1979. President Reagan is now authorizing a committee -- but the next step is still ahead of us.

3. Why is he waiting and waiting?

- He is has made it clear that he does not want to make a final decision on candidacy until the last possible moment. Unfortunately, once a President declares for re-election, everything he does is seen as political.

4. If he still hasn't made up his mind, why do these letters make you any more confident he will run?

- Because they are the first tangible evidence that we have had from the President that he blesses this re-election effort and he wants us to go forward. Heretofore, he has always listened to us very politely but he has never given us an affirmative, positive signal to get started. Now he has -- and that's the signal we all have wanted.

5. When do you expect a formal declaration?

- That's something for the President to determine. I think he wants to announce his intentions before the end of the year, but we can't be more specific than that now.

MDT

Doesn't this fall under JAB's energy disqualification?

R.F.

MEMORANDUM FOR EDWIN MEI
JAMES A.
MICHAEL I
KENNETH M
CRAIG L.
DAVID R. GERGEN
JOHN A. SVAHN
LEE L. VERSTANDIG

FROM: FRED F. FIELDING FFF/RSIS
COUNSEL TO THE PRESIDENT

SUBJECT: Kerr-McGee Corporation v. James G. Watt, et al.

The referenced pending lawsuit seeks to compel the Secretary of Interior to issue preference-right mining leases to plaintiff, Kerr-McGee Corporation for mining phosphate in the Osceola National Forest in Florida. The lawsuit was filed by Kerr-McGee shortly after Secretary Watt denied its applications for such leases.

Denial of the lease applications occurred immediately following the President's veto of H.R. 9, effective January 14, 1983. That bill would have prohibited phosphate leasing in the Osceola National Forest, and required the Federal government to pay mining companies up to $200 million for property rights in the Osceola phosphate deposits.

As part of the discovery process in this litigation, plaintiff has served a subpoena on the White House requesting:

> All documents (or portions of documents) in your possession, custody, or control . . . that discuss, refer, or relate to:
>
> (a) applications for leases to mine phosphate in the Osceola National Forest in Florida, or
>
> (b) legislation to prohibit phosphate mining in the Osceola National Forest, including without limitation, H.R. 9, 97th Cong. 2d Sess.

Central Files has provided us with copies of all documents in its possession which are responsive to the above request. This office is in the process of preparing an affidavit and claim of privilege for those documents due to their deliberative nature. It is important, however, that we ensure that we have copies of all responsive documents so that they can be addressed in the affidavit and claim of privilege. Would you please check to determine whether your office has in its working files any additional responsive documents.

Because our affidavit must be finalized by Friday of this week, please give this matter immediate attention and notify this office of the outcome of your search.

Thank you for your assistance.

October 12, 1983

MEMORANDUM FOR JAMES A. BAKER, III
CHIEF OF STAFF AND
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING FFF/ROSS
COUNSEL TO THE PRESIDENT

SUBJECT: Announcement of Formation of Reagan-Bush '84

Larry Speakes has raised the question of whether Senator Laxalt should brief the press in the White House briefing room after his meeting tomorrow with the President. We recommend that in order to avoid even the appearance of using Government buildings and appropriated funds for partisan political purposes, Senator Laxalt should respond to press questions on his meeting with the President on the driveway rather than in the White House briefing room. Additionally, we suggest that Senator Laxalt state only that the President will sign the documents authorizing him to establish a campaign committee on his behalf next week. (A draft statement for Senator Laxalt is attached.) This recommendation is made so that there will be no confusion as to when the re-elect committee was actually "authorized" (e.g., Thursday or Monday, October 17) and to avoid undercutting the significance of the press events we understand are planned for Monday.

We understand that on Monday Senator Laxalt will meet with the President for the purpose of obtaining the President's signature on the required candidacy documents, and that meeting will include a photo opportunity for the press. Questions have arisen as to whether copies of the documents signed by the President may be reproduced on Government xerox machines and distributed in the White House briefing room. We recommend that copies of the documents signed by the President be made by Jim Lake at the campaign committee's expense; however, we have no legal objections to the distribution of such documents through the White House Press Office. The White House Press Office may, of course, respond to questions on the President's actions on Monday; however, we recommend against using the White House briefing room for any briefings by Senator Laxalt or other campaign officials on the formation of the campaign committee or other specific campaign events. Until there is a campaign committee briefing room, such briefings should occur on the driveway or off the White House grounds.

If you approve our proposed press guidance for Senator Laxalt to use after his meeting with the President on Thursday, we will provide him with a copy of it Thursday morning. Please advise.

cc: Larry Speakes

MEMORANDUM FOR SENATOR LAXALT

FROM: SHERRIE M. COOKSEY SMC

SUBJECT: Options for Establishment of a Re-elect Committee

In accordance with our conversation of Thursday, October 6, I have prepared the attached option paper for your use in your upcoming meeting with the President. This option paper has been reviewed and approved by Roger Allan Moore and Ron Robertson.

Each of the options discussed is based on the establishment of an "authorized" re-elect committee and in each instance the President will be required to file documents as a "candidate" with the FEC no later than 15 days after the establishment of that committee. As we discussed, the options are set forth in order of preference with the first being the option which we strongly recommend.

Please note that although an "unauthorized" committee is an option, it is not recommended that you raise it for discussion with the President. In starting as an "unauthorized committee" the re-elect committee would have no money for its operations and the President could not sign its fundraising letters. Additionally, it would strain credulity for you to say that you are not operating with the tacit approval of the President in establishing a re-elect committee; some cynics (including the FEC) would undoubtedly charge that the President was manipulating the Federal election laws to postpone a definitive statement of his candidacy while allowing others (such as yourself) to prepare for such candidacy. Finally, as a legal matter once an "unauthorized" committee is established and registers with the FEC, it is probable that the FEC would request the President to "disavow" your actions. Hence, the establishment of an unauthorized committee only delays a required statement from the President on his candidacy. Moreover, it is possible that a complaint alleging that the President had failed to register as a "candidate" upon the establishment of this unauthorized committee would be filed with the FEC and the Commission would be forced to initiate enforcement proceedings against him.

Copies of this memorandum and its attachments have been provided to Jim Baker, Fred Fielding and Ed Rollins. Please call if you have any questions regarding this matter.

OPTIONS FOR ESTABLISHMENT OF A RE-ELECT COMMITTEE

OPTION I.

Establish an "authorized committee" by having the President sign the following documents on the day of establishment:

A. a letter to Senator Laxalt authorizing the formation of an authorized re-elect committee, and containing the statement that this authorization is not an official announcement of candidacy; and

B. either the FEC Statement of Candidacy.Form or a letter to the FEC containing that same information. The information required to be in such a letter is: the President's name and address, his party affiliation, identification of the office sought, and the name and address of the President's principal campaign committee. If the letter is used, it could also contain the statement that this authorization is not an official announcement of candidacy.

All papers, including the committee's Statement of Organization, would be filed with the FEC on Day 1 of the committee's establishment. See TAB A for samples of these documents.

ADVANTAGES

1. While fully complying with applicable Federal law the President will have clearly stated that these documents are not his official statement of candidacy, but have been executed only to meet the technical requirements of Federal election laws.

2. The re-elect committee will be able to obtain an immediate bank loan for its start-up costs.

3. The Finance Chairman may begin soliciting contributions for the committee's matching fund submission to the FEC and begin preparation of the first direct mail piece which would be sent out simultaneously with the President's official announcement of candidacy. The Finance Chairman advises that these solicitations must be in the mail before Thanksgiving.

4. Once the President is a "candidate" for purposes of Federal election laws, his authorized committee may take action to prevent unauthorized committees from using his name in their titles.

5. By filing all papers on the day the re-elect committee is established, the obvious press questions which will arise if the President waits 15 days before filing the required candidacy documents with the FEC will be avoided.

DISADVANTAGES

1. This is an unequivocal step toward candidacy; following this, the only thing left for the President would be a public announcement of his candidacy.

OPTION II.

Establish an authorized committee by the President signing a letter of authorization to Senator Laxalt but not executing or filing the FEC candidacy documents until 15 days after the establishment of such committee. (The Committee would file its Statement of Organization and the letter from the President to Senator Laxalt on Day 1.) See TAB B for samples of these documents.

NOTE: The only distinction between this Option and Option I is that the President does not execute and file the required FEC candidacy documents until Day 15.

ADVANTAGES

1. As in Option I, the letter of authorization signed by the President will contain the disclaimer that he is signing this merely to comply with the technical requirements of the Federal election laws.

2. As in Option I, the committee will be able to obtain a bank loan to finance its immediate costs and will be able to begin fundraising.

DISADVANTAGES

1. The committee and its officers, as well as the White House Press Office, will be met with questions as to whether the President is a "candidate", and since he has authorized the establishment of a re-elect committee, why hasn't he filed as a candidate with the FEC? Responding to these questions could be awkward. Although the answer is that the law does not require the President to file anything with the FEC until 15 days after he has authorized the establishment of a re-election committee and that committee has raised or spent $5000, it is correct that legally the President is a candidate on Day 1 (assuming the committee spends $5000).

2. The committee would be wise to wait until the President has filed his candidacy documents with the FEC before taking action against the unauthorized committees using his name in their titles for fundraising purposes.

OPTION III.

Establish an authorized committee without anything in writing from the President for filing with the FEC until 15 days later; however, the President does sign a statement to the trustees of his leftover 1980 campaign funds directing them to use those funds as collateral for a bank loan to the 1984 committee as his authorized comittee. See TAB C for samples of documents.

ADVANTAGES

1. The re-elect committee may still be able to obtain a bank loan for the financing of its immediate start-up and fundraising costs.

2. The President does not have to sign any public document for 15 days.

DISADVANTAGES

1. Riggs Bank may be reluctant to provide a bank loan to the re-elect committee on this basis. (It has previously stated that a prerequisite to a loan would be its receipt of the executed candidacy documents required by the FEC, or, at the very least, a letter of authorization from the President to Senator Laxalt.)

2. As in Option II, the problem of responding to press inquiries for the 15 days until the President files his statements with the FEC will exist.

3. As in Option II, the committee would be wise to wait until the President has filed his candidacy documents with the FEC before taking action against the unauthorized committees using his name in their titles for fundraising purposes.

4. If the President changes his mind or something happens to him in this 15 day period the officers of the re-elect committee could be at risk for an "unauthorized" use of the President's funds.

OPTION IV.

Establish an authorized committee, without anything in writing for filing with the FEC from President until 15 days later; however, the President does execute a direction to the trustees of his leftover 1980 campaign funds to transfer money from those accounts to his newly authorized re-elect committee. See TAB D for samples of documents.

ADVANTAGES

1. The re-elect committee will have money to sustain it until it receives sufficient funds from its own fundraising efforts.

2. The President signs no public document until Day 15.

DISADVANTAGES

1. Since the funds of the 1980 committees are invested in certificates of deposit and Treasury bills, those committees will lose some income as they will have to sell those assets before maturation.

2. As in Option III, the problem of responding to press inquiries about why the President has not filed anything with the FEC even though the re-elect committee says it is "authorized" will exist.

3. As in Options II and III, the committee would be wise to wait until the President has filed his candidacy documents with the FEC before taking action against the unauthorized committees using his name in their titles for fundraising purposes.

4. As in Option II, if the President changes his mind or something happens to him in this 15 day period, the officers of the re-elect committee coud be at risk for an "unauthorized" use of the President's funds.

SUMMARY

Under all options, the President must sign a document or documents on Day 1, and except for Option 1 under which all documents are signed on Day 1, he must sign and file the candidacy documents required by the FEC on Day 15.

October 17, 1983

Dear Paul:

I am writing this letter in response to your decision to chair Reagan-Bush '84. I deeply appreciate your action. ~~While I have not yet made a decision regarding my candidacy for re-election,~~ The work of your Committee will be of great help to me should I decide to seek a second term as President.

CAN DELETE OR CHANGE AS NOTED

Meanwhile, I recognize that due to the technical requirements of the Federal election laws (including the requirement for the designation of a principal campaign committee), your Committee must file with the Federal Election Commission as a committee that will be working on behalf of my re-election. This letter will serve as my consent for the purpose of allowing you to form this Committee, and I request that Angela M. Buchanan serve as the Committee's Treasurer.

Sincerely,

Ronald Reagan

The Honorable Paul Laxalt
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

October 17, 1983

Dear Chairman McDonald:

I have been advised that on October 17, 1983 a political committee known as Reagan-Bush '84 whose address is 440 First Street, N.W., Washington, D.C. 20001, registered with the Federal Election Commission, as my authorized campaign committee for the nomination as the Republican candidate for the office of the Presidency of the United States in 1984. ~~Although I have not made a decision at this time as to whether I will seek re-election,~~ I am hereby authorizing this Committee as my principal campaign committee to allow those persons who support my candidacy to express their support in a manner that fully complies with the Federal election laws.

All correspondence directed to me with respect to this matter should be sent to my attention at the Committee's address shown above.

This statement is submitted pursuant to 11 C.F.R. § 101.1(a) in lieu of the Statement of Candidacy on FEC Form 2.

I certify that I have examined the information set forth above and to the best of my knowledge and belief it is true, correct and complete.

Sincerely,

Since the work of this committee will be of great help to me should I decide to seek a second term as President

Mr. Danny Lee McDonald
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

cc: Vice Chairman Lee Ann Elliott

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.
Reagan - Bush '84

2. Date
October 17, 1983

(b) Address (Number and Street)
440 First Street, N.W.

3. FEC Identification Number

(c) City, State and ZIP Code
Washington, D.C. 20001

4. Is this an amended Statement? ☐ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Ronald Reagan	Republican	President	
Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7 Custodian of Records: Identify by name, address (phone number — optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First St. N.W. Washington, D.C. 20001	Treasurer

8 Treasurer: List the name and address (phone number — optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First Street, N.W. Washington, D.C. 20001	Treasurer

9 Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
The Riggs National Bank of Washington, D.C.	1503 Pennsylvania Avenue, N.W. Washington, D.C. 20005

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

Angela M. Buchanan — Type or Print Name of Treasurer

_____ — SIGNATURE OF TREASURER

October , 1983 — Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

									FEC FORM 1 (3/80)

October 17, 1983

Dear Paul:

I am writing this letter in response to your decision to chair Reagan-Bush '84. I deeply appreciate your action. While I have not yet made a decision regarding my candidacy for re-election, the work of your Committee will be of great help to me should I decide to seek a second term as President.

CAN DELETE OR CHANGE AS PER TAB A LETTER.

Meanwhile, I recognize that due to the technical requirements of the Federal election laws (including the requirement for the designation of a principal campaign committee), your Committee must file with the Federal Election Commission as a committee that will be working on behalf of my re-election. This letter will serve as my consent for the purpose of allowing you to form this Committee, and I request that Angela M. Buchanan serve as the Committee's Treasurer.

Sincerely,

Ronald Reagan

The Honorable Paul Laxalt
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

(See reverse side for instructions)

1 (a) Name of Committee (in Full) ☐ Check if name or address is changed.

Reagan - Bush '84

(b) Address (Number and Street)

440 First Street, N.W.

(c) City, State and ZIP Code

Washington, D.C. 20001

2. Date

October 17, 1983

3. FEC Identification Number

4. Is this an amended Statement? ☐ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Ronald Reagan	Republican	President	
Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7 Custodian of Records: Identify by name, address (phone number – optional) and position, the person in possession of committee books and records

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First St. N.W. Washington, D.C. 20001	Treasurer

8 Treasurer: List the name and address (phone number – optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First Street, N.W. Washington, D.C. 20001	Treasurer

9 Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
The Riggs National Bank of Washington, D.C.	1503 Pennsylvania Avenue, N.W. Washington, D.C. 20005

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

Angela M. Buchanan — Type or Print Name of Treasurer

_____ — SIGNATURE OF TREASURER

October, 1983 — Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

FEC FORM 1 (3/80)

November 1, 1983

Dear Chairman McDonald:

I have been advised that on October 17, 1983 a political committee known as Reagan-Bush '84 whose address is 440 First Street, N.W., Washington, D.C. 20001, registered with the Federal Election Commission, as my authorized campaign committee for the nomination as the Republican candidate for the office of the Presidency of the United States in 1984. Although I have not made a decision at this time as to whether I will seek re-election, I am hereby authorizing this Committee as my principal campaign committee to allow those persons who support my candidacy to express their support in a manner that fully complies with the Federal election laws.

All correspondence directed to me with respect to this matter should be sent to my attention at the Committee's address shown above.

This statement is submitted pursuant to 11 C.F.R. § 101.1(a) in lieu of the Statement of Candidacy on FEC Form 2.

I certify that I have examined the information set forth above and to the best of my knowledge and belief it is true, correct and complete.

Sincerely,

Mr. Danny Lee McDonald
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

cc: Vice Chairman Lee Ann Elliott

October 17, 1983

Dear Ed:

I request that the Trustees of the liquidating trusts which are administering the winding-down of my 1980 campaign committees pledge their funds to an appropriate banking institution to secure a loan to Reagan-Bush '84, my newly formed authorized 1984 campaign committee, as may be reasonably requested by Angela M. Buchanan, the Treasurer of that Committee, for the Committee's initial funding. This directive is not to be construed as an announcement of my candidacy for re-election.

Sincerely,

Edwin Meese III
Chairman, Board of Trustees
1980 Reagan Campaign Liquidating Trusts
Washington, D.C.

November 1, 1983

Dear Paul:

I am writing this letter in response to your decision to chair Reagan-Bush '84. I deeply appreciate your action. While I have not yet made a decision regarding my candidacy for re-election, the work of your Committee will be of great help to me should I decide to seek a second term as President.

Meanwhile, I recognize that due to the technical requirements of the Federal election laws (including the requirement for the designation of a principal campaign committee), your Committee must file with the Federal Election Commission as a committee that will be working on behalf of my re-election. This letter will serve as my consent for the purpose of allowing you to form this Committee, and I request that Angela M. Buchanan serve as the Committee's Treasurer.

Sincerely,

Ronald Reagan

The Honorable Paul Laxalt
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

November 1, 1983

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I certify that I have examined the information set forth above and to the best of my knowledge and belief it is true, correct and complete.

Sincerely,

Mr. Danny Lee McDonald
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

cc: Vice Chairman Lee Ann Elliott

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.

Reagan - Bush '84

(b) Address (Number and Street)

440 First Street, N.W.

(c) City, State and ZIP Code

Washington, D.C. 20001

2. Date

October 17, 1983

3. FEC Identification Number

4. Is this an amended Statement? ☐ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Ronald Reagan	Republican	President	
Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number — optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First St. N.W. Washington, D.C. 20001	Treasurer

8. Treasurer: List the name and address (phone number — optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First Street, N.W. Washington, D.C. 20001	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
The Riggs National Bank of Washington, D.C.	1503 Pennsylvania Avenue, N.W. Washington, D.C. 20005

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

Angela M. Buchanan — Type or Print Name of Treasurer

_____ — SIGNATURE OF TREASURER

October , 1983 — Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

D

October 17, 1983

Dear Ed:

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Sincerely,

Edwin Meese III
Chairman, Board of Trustees
1980 Reagan Campaign Liquidating Trusts
Washington, D.C.

November 1, 1983

Dear Paul:

I am writing this letter in response to your decision to chair Reagan-Bush '84. I deeply appreciate your action. While I have not yet made a decision regarding my candidacy for re-election, the work of your Committee will be of great help to me should I decide to seek a second term as President.

Meanwhile, I recognize that due to the technical requirements of the Federal election laws (including the requirement for the designation of a principal campaign committee), your Committee must file with the Federal Election Commission as a committee that will be working on behalf of my re-election. This letter will serve as my consent for the purpose of allowing you to form this Committee, and I request that Angela M. Buchanan serve as the Committee's Treasurer.

Sincerely,

Ronald Reagan

The Honorable Paul Laxalt
United States Senate
Russell Senate Office Building
Washington, D.C. 20510

November 1, 1983

Dear Chairman McDonald:

I have been advised that on October 17, 1983 a political committee known as Reagan-Bush '84 whose address is 440 First Street, N.W., Washington, D.C. 20001, registered with the Federal Election Commission, as my authorized campaign committee for the nomination as the Republican candidate for the office of the Presidency of the United States in 1984. Although I have not made a decision at this time as to whether I will seek re-election, I am hereby authorizing this Committee as my principal campaign committee to allow those persons who support my candidacy to express their support in a manner that fully complies with the Federal election laws.

All correspondence directed to me with respect to this matter should be sent to my attention at the Committee's address shown above.

This statement is submitted pursuant to 11 C.F.R. § 101.1(a) in lieu of the Statement of Candidacy on FEC Form 2.

I certify that I have examined the information set forth above and to the best of my knowledge and belief it is true, correct and complete.

Sincerely,

Mr. Danny Lee McDonald
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

cc: Vice Chairman Lee Ann Elliott

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) ☐ Check if name or address is changed.

Reagan - Bush '84

2. Date

October 17, 1983

(b) Address (Number and Street)

440 First Street, N.W.

3. FEC Identification Number

(c) City, State and ZIP Code

Washington, D.C. 20001

4. Is this an amended Statement? ☐ YES ☐ NO

5. TYPE OF COMMITTEE (check one):

☒ (a) This committee is a principal campaign committee. (Complete the candidate information below.)

☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Ronald Reagan	Republican	President	
Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

☐ (e) This committee is a separate segregated fund.

☐ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
None		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number — optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First St. N.W. Washington, D.C. 20001	Treasurer

8. Treasurer: List the name and address (phone number — optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Angela M. Buchanan	440 First Street, N.W. Washington, D.C. 20001	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
The Riggs National Bank of Washington, D.C.	1503 Pennsylvania Avenue, N.W. Washington, D.C. 20005

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

Angela M. Buchanan
Type or Print Name of Treasurer

_____
SIGNATURE OF TREASURER

October , 1983
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

FEC FORM 1 (3/80)