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WITHDRAWAL SHEET

Ronald Reagan Library

Collection: BAKER, JAMES: FILES

Archivist: cas

File Folder: Counsel's Office 1/84 - 6/84 [2 of 5] ~~OA 10514~~ Box 7 Date: 3/1/99

| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|-----------------------|---|---------|--------------------------|
| 1. memo | Fred Fielding to Michael McManus re campaign related questions 2 p. | 2/17/84 | P3 10/5/00 |

RESTRICTION CODES

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 statute [(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].

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File Folder: Counsel's Office 1/84 - 6/84 [2 of 5] OA 10514

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MAR 13 REC'D

THE WHITE HOUSE
WASHINGTON

February 17, 1984

3/12 To MDI
FYI
JABOL

MEMORANDUM FOR MICHAEL A. McMANUS, JR.
ASSISTANT TO THE PRESIDENT
AND DEPUTY TO THE CHIEF OF STAFF

FROM: FRED F. FIELDING ^{DEPUTY} Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Campaign Related Questions

This will respond to your request for guidance on three campaign-related issues.

1. May you conduct convention meetings at the White House?

In our opinion, the planning and coordination of activities of the 1984 Republican National Convention is not a function that should be conducted in Federal buildings not generally made available to the public. As you know, the Republican National Committee is charged with the responsibility of planning and conducting the Republican National Convention; concomitantly, Reagan-Bush '84 is primarily responsible for the coordination of the President's political activities at that convention. Your responsibilities as White House liaison to the 1984 convention require you to coordinate with both the RNC and Reagan-Bush '84; however, such coordination relates only peripherally to the conduct and planning of any official Government business because it is the coordination of the President's needs at an established political event. Hence, we recommend against the scheduling of regular convention coordination meetings in the White House complex.

2. Is there a legal problem in coordinating with the RNC, Reagan-Bush '84 and the NRSCC on surrogate activities and "themes"?

If there is actual "coordination" between the RNC, Reagan-Bush '84 and the NRSCC on the "themes" surrogates are developing, a case could be made that all of those surrogate activities were "in-kind contributions" to Reagan-Bush '84. The FEC has never dealt with this specific question before because in the past there have been no obvious demonstrations of a concentrated "coordination" of surrogates and themes. ("Obvious" refers to the scheduling of meetings for coordination of surrogate activities and the preparation of memoranda detailing the development of campaign themes by various surrogate groups, including surrogates not designated as Reagan-Bush '84 surrogates.)

Thus, in our opinion, you should not establish an intercommittee surrogate coordination group or transmit coordination memoranda to the RNC, Reagan-Bush '84 and the NRSCC; you may, however, informally discuss with representatives of any Republican Party committees the themes they may be developing in their surrogate activities and you may, after production has been completed, view the various media spots such committees plan to run. The key here is that you avoid "directing" the surrogate activities of these committees.

3. Is there a legal problem in establishing a computer link between Reagan-Bush '84 and appropriate White House offices for transmittal of issues tracking, scheduling information and general information?

The legal concerns about such a proposal relate to the allocation of expenses related to the implementation of that program, the use of "hatched" personnel in either sending or receiving information, and the control of the type of any information being transmitted from the White House to Reagan-Bush '84. It is possible that most of the legal concerns relating to the cost of such a program could be resolved; however, a preliminary review of this question suggests that a computer link could cost Reagan-Bush '84 as much as \$1,000 a month plus one-time hook-up costs of several thousand dollars. Assuming such cost problems could be resolved and that Reagan-Bush '84 felt such payments were a good utilization of its resources, the appearance questions relating to the personnel involved in implementing such a system and, more importantly, the propriety of the information being transmitted, would still be significant. Indeed, I am concerned that the limits that would have to be placed on the transmittal of information to and from the White House to Reagan-Bush '84 would seriously undermine the usefulness of a computer link between the two committees. For example, the transmittal of negative issue research on Democratic candidates would create problems related to subsequent transmittal of that information within the White House and throughout the Departments and agencies. If your plan is to transmit a "line of the day" to Administration surrogates you should be aware that the "electronic mailboxes" of Cabinet offices are operated by career "hatched" Federal employees. Additionally, many of the "issues" workers within the White House (e.g., most of the OPD and OMB staffs) are also subject to the Hatch Act. Another example of information that could not be transmitted is the President's schedule; for security reasons the Secret Service opposes transmittal of the President's schedule through electronic mail.

In sum, these are legal concerns associated with the creation of a computer link between the White House; additionally, the

appearance questions related to the transmittal of either "confidential" Government information on "partisan," political information cause me serious misgivings about the propriety and oversight of such an arrangement.


cc: James A. Baker, III ←

THE WHITE HOUSE

WASHINGTON

February 14, 1984

MEMORANDUM FOR THE HEADS OF ALL DEPARTMENTS AND AGENCIES

FROM: FRED F. FIELDING 
COUNSEL TO THE PRESIDENT

SUBJECT: 18 U.S.C. § 603

Section 603 of title 18 makes it a felony for any officer or employee of the United States to give a political contribution to any other officer or employee of the United States who is the "employer or employing authority" of the contributor. */ Although the issue is not free from doubt, this provision may prohibit any Federal employee from contributing to the authorized campaign committee of the President (Reagan-Bush '84).

Although such interpretation **/ would raise grave constitutional concerns, prudence requires that any ambiguity in the language of this statute be resolved against placing any Presidential appointee or other Federal employee in the position of inadvertently violating Federal law. Hence, in the absence of any judicial interpretation of this provision or any legislative clarification of it, all Federal employees should be advised that this statute may preclude them from contributing to Reagan-Bush '84, the authorized campaign committee of the President.

I regret that such advice may inhibit Federal employees from the full exercise of their First Amendment rights; nevertheless, in the interest of maintaining strict compliance with all Federal statutes, every Federal employee should be made aware of the language and potential restrictions of this statutory provision.

Your cooperation in disseminating this advice will be greatly appreciated.

*/ The terms "contribution" and "authorized committee" are used as they are defined in the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. §§ 431(8) and 432(e)(1).

**/ This interpretation would be personal to the employee only, and would not apply to his or her spouse or family, and would be applicable only to contributions to Reagan-Bush '84.

THE WHITE HOUSE

WASHINGTON

February 5, 1984

MEMORANDUM FOR EDWIN MEESE III
JAMES A. BAKER, III
JOHN S. HERRINGTON
M. B. OGLESBY
MARGARET TUTWILER ←

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

SUBJECT: Judicial Appointment Recommendations

Set forth below are recommendations on various judicial candidates. Please advise my office by close of business Wednesday, February 7, if you have any objections to the recommendation on each candidate.

For your information, the resumes of the candidates recommended for these positions are attached. Also attached are the latest status sheets on judicial and U.S. Attorney candidates.

I. U.S. DISTRICT COURT FOR THE DISTRICT OF DELAWARE

The Justice Department has recommended that we initiate the background investigations on Joseph H. Longobardi as the candidate for appointment to the U.S. District Court for the District of Delaware. Longobardi was recommended for this position by Senator Roth.

Longobardi, 53, is the Vice Chancellor of the Delaware Court of Chancery, Delaware's trial court of equity jurisdiction and, since May 1982, the forum for most litigation under the Delaware corporations law. Prior to his appointment to the Court of Chancery, he spent approximately eight years as a judge of the Delaware Superior Court where he was reputed to be a "tough sentencer" in criminal cases. Justice reports that as a member of the Delaware Superior Court Longobardi was very efficient in eliminating the backlog of cases that existed when he first assumed the bench. In addition to his judicial experience, Longobardi has had substantial experience in private practice as a trial lawyer, and served as a Deputy Attorney General of Delaware from 1959 to 1961.

Justice reports that Longobardi is regarded as a man of high integrity and as a competent, conservative jurist. He construes

statutes narrowly and believes that judges should not intrude upon the legislative sphere. His judicial temperament is even and he is reputed to be a competent legal scholar and writer.

Recommendation: That we initiate the background clearances on Joseph J. Longobardi as the candidate for appointment to the U.S. District Court for the District of Delaware.

II. DISTRICT COURT FOR THE DISTRICT OF NEVADA

The Justice Department has recommended that we initiate the background investigations on Lloyd D. George as the candidate for appointment to the U.S. District Court for the District of Nevada. Senator Laxalt recommended George for this position.

George, 53, has served as a U.S. Bankruptcy Judge since March 1974. He engaged in the general practice of law in Las Vegas from 1961 to 1974.

Justice reports that Judge George is "a man of unquestioned character and integrity, with moderate to conservative political views." Justice states that George is respected by the "entire Las Vegas bar, and is regarded as one of the best bankruptcy judges in the country." Although Justice recognizes that the relatively narrow scope of Judge George's judicial experience could be a drawback, it states that he should be able to handle the various issues arising in the district court.

Recommendation: That we initiate the background clearances on Judge Lloyd George as the candidate for appointment to the U.S. District Court for the District of Nevada.

Attachments

BIOGRAPHICAL DATA

JOSEPH J. LONGOBARDI

Date of Birth: April 29, 1930

Place of Birth: Wilmington, Delaware

Marital Status: Married
Wife's name: Maud
Two children: Joseph J., III, April 19, 1957
Cynthia Jean, August 16, 1958

Residence: 26 Winterbury Circle
Winterbury
Wilmington, Delaware 19808

Education: Christ Our King Parochial School - 1944
Archmere Academy - 1948
Washington College - 1952
Temple University School of Law - 1957

Degrees: B.A. - Washington College
I.L.B. - Temple University

Awards: (1) Temple University School of Law:
(a) Associate Editor Temple Law Quarterly
(b) S. A. Shull Memorial Award for Excellence in
Legal Research and Writing
(2) Paul C. Reardon Award, 1981, sponsored by the
National Center for State Courts, Williamsburg,
Virginia (a National award for a paper on the
Superior Court's caseload management program)

Profession: Lawyer - Admitted to Delaware Bar in December, 1957

Professional
Activities: (1) Member of New Castle, Delaware, and American Bar
Associations
(2) Member of American Trial Lawyers Association
(3) Former Deputy Attorney General - 1959-1961
(4) Former Counsel to Sheriff of New Castle County -
Eight years
(5) Former Counsel to New Castle County Council
(6) Former member of the State Tax Appeal Board
(7) Delegate to National Conference of State Trial
Judges
(8) Faculty Advisor to the National Judicial College,
Reno, Nevada - Summer of 1981
(9) Member of Board of Overseers, Delaware Law
School - Present

Professional
Activities
(con't):

- (10) Member of Executive Committee of Delaware Bar Association - June, 1983 to present
- (11) Legal Education Committee - Only Judicial representative and one of two trained lawyers in conjunction with members of the Board of Education who developed a curriculum for the education of law commencing in kindergarten through the twelfth grade. Program became effective September, 1983
- (12) Chairman of Delaware Criminal Justice Roundtable's Committee to develop a program for solving present information system's problems. This project involves a program by which the executive, legislative and judicial branches of the State of Delaware together with the individual member agencies of the criminal justice community, i.e., police, courts, public defender, attorney general, Department of Public Safety and prisons, will benefit from an enhanced program of information distribution.
- (13) Development and implementation of a statewide caseload management system for the Superior Court of Delaware: Statewide and national recognition of the project making Delaware a national leader.
- (14) Chairman of the Judicial Conference Committee which successfully concluded the constitutional confrontation between the Judicial and Legislative Branches of State Government.

Political
Activities:

Registered Republican

I have been a district committeeman, district chairman, president of a local AYR, Hundred chairman and treasurer of the Second Convention District for eight years; member of the Executive Committee of the Second Convention District for eight years.

Former Employ-
ment:

Major shareholder in a ten lawyer firm employing a total of 26 people. The firm was comprised of specialists in tax, corporate and business law, with Joseph J. Longobardi controlling the section on litigation of all kinds, real estate and commercial ventures.

Associate Judge of the Superior Court of Delaware
November 14, 1974 to May 14, 1982

Present Employ-
ment:

Vice Chancellor of the Court of Chancery
May 14, 1982 to present

Resume

LLOYD D. GEORGE

United States Bankruptcy Judge
District of Nevada

As an attorney, Judge George practiced primarily in the area of commercial law for over a decade. He has served on the Bankruptcy Bench for approximately ten years.

He holds the following degrees: B.S. Degree, Brigham Young University - 1955, majoring in Business Management; J.D. Degree, University of California, Boalt Hall, Berkeley - 1961.

He recently completed serving a four-year term on the Board of the Federal Judicial Center. Judge George was elected by the United States Judicial Conference to serve with the Chief Justice of the Supreme Court and six other judges on the Board, which is concerned with legal and technological research and with the education of judges and other support personnel in the judicial branch of government.

In the Ninth Circuit of the United States Federal Court system, Judge George has been named as one of five judges to sit on intermediate appellate panels to hear appeals from the Bankruptcy Trial Courts.

In October, 1982, Judge George was elected to membership in the National Bankruptcy Conference.

He was a fighter pilot in the U. S. Air Force from 1955 to 1958, attaining the rank of Captain.

Some of the professional organizations and offices in which the Judge is involved include the following: recipient of the 1980-81 BYU Alumni Distinguished Service Award; former president of the local chapter and present member of the national board of trustees, National Conference of Christians and Jews; former president, Brigham Young University International Alumni Association; former Chairman, State Apprentice Council; former President of the Clark County Association for Retarded Children; former President and present member of the Business and Professional Association of Southern Nevada; member, Executive Committee of Board of Visitors of J. Reuben Clark Law School, Brigham Young University.

January 31, 1984

ADVISORY STATUS REPORT FOR THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

UNITED STATES DISTRICT JUDGESHIPS - LOG

| <u>DISTRICT</u> | <u>SPONSOR</u> | <u>VACANCIES</u> | <u>CANDIDATE</u> | <u>RESUME</u> | <u>FBI BACKGROUND COMMENCED</u> | <u>RATING</u> | <u>TO WH</u> | <u>REMARKS</u> |
|-----------------|----------------|---------------------------|----------------------|---------------|---|---------------|------------------|----------------|
| Alaska | | one, eff 7/15/84 | H. Russel Holland | | 11/29 | | | |
| Arizona | Goldwater | one, eff 11/30/83 & | Paul G. Rosenblatt | Yes | 1/5 | | | |
| | Goldwater | 11/25/83 | William Browning | Yes | 1/18 | | | |
| E.D. Calif | Wilson | one, eff 1/27/83 | Edward J. Garcia | Yes | 10/13 | Q | | |
| C.D. Calif | Wilson | Two, eff 9/82 & 3/5/83 | Harry L. Hupp | Yes | 10/13 | EWQ/WQ | 1/25 | |
| | Wilson | | Alicemarie Stotler | Yes | 12/2 | | | |
| S.D. Calif | | One, eff 1/22/84 | | | | | | |
| N.D. Calif | | One, eff 12/31/83 | | | | | | |
| Del | Roth | One, eff 12/23/83 | Joseph J. Longobardi | Yes | | | | |
| DC | | One, eff 1/15/84 | | | | | | |
| N.D. Ill | | One, eff 6/1/83 | | | | | | |

| DISTRICT | SPONSOR | VACANCIES | CANDIDATE | RESUME | FBI BACKGROUND COMMENCED | RATING | TO WH | REMARKS |
|-----------|------------------|-------------------------|--|--------|--------------------------------|--------|----------|---|
| S.D. Ind | Lugar/ Quayle | One, eff 8/23/83 | Sara Evans Barker Randall T. Shepard V. Sue Shields | Yes | 10/28 | WQ-inf | 1/17 | |
| W.D. La | | One, eff 11/16/83 | | | | | | |
| Maryland | Mathais | One, eff 12/31/82 | John Hargrove Elsbeth Bothe Paul Mannes David Ross Frederick Smalkin | Yes | 5/5 | Q/NQ | 11/10 | Sen 11/10 Hear 11/16 Returned to WH 11/22 Sen 1/30 |
| N.D. Miss | Cochran | One, eff 4/26/83 | Neal Biggers | Yes | 7/15 | Q/WQ | 12/8 | |
| S.D. Miss | Cochran | One, eff 10/25/83 | Tom S. Lee | Yes | 1/17 | | | |
| Nevada | | One, eff 10/29/82 | Lloyd George | | | | | |
| E.D. NC | Helms | One, eff 12/31/83 | Terrence Boyle | Yes | 1/17 | | | |
| S.D. NY | | Two, eff 9/29 & 10/3 | | | | | | |
| Oregon | Hatfield | One, eff 4/4/84 | Charles S. Crookham John A. Jelderks Edward Leavy Malcolm F. Marsh Richard L. Unis | Yes | 1/25 | | | |

| <u>DISTRICT</u> | <u>SPONSOR</u> | <u>VACANCIES</u> | <u>CANDIDATE</u> | <u>RESUME</u> | <u>FBI BACKGROUND COMMENCED</u> | <u>RATING</u> | <u>TO WH</u> | <u>REMARKS</u> |
|-----------------|----------------|---------------------|--|--------------------------|---|---------------|------------------|----------------|
| E.D. Tx | | One, eff 1/30/84 | | | | | | |
| W.D. Tx | Tower | One, eff 1/1/84 | Edward C. Prado | Yes | | 1/5 | | |
| Vermont | Stafford | One, eff 1/29/84 | Arthur E. Crowley, Jr. David A. Gibson R. Allan Paul Lawrence A. Wright Franklin Swift Billings, Jr. | Yes Yes Yes Yes | | 10/13 | | Withdrew |

ADVISORY STATUS REPORT FOR THE ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

UNITED STATES CIRCUIT & SPECIAL JUDGESHIPS - LOG

| DISTRICT | SPONSOR | VACANCIES | CANDIDATE | RESUME | FBI BACKGROUND COMMENCED | RATING | TO WH | REMARKS |
|---|---------|-----------------------------------|---|------------|--------------------------------|--------|----------|---|
| <u>Fourth</u> (Md, NC, SC, Va & WVA) | | One for Va eff 11/01/82 | J. Harvie Wilkinson III | Yes | 7/28 | Q/NQ | 11/10 | Sen 11/10 Hear 11/16 |
| | | | Calvitt Clarke, Jr. Albert Byran Glen M. Williams | | | | | Returned to WH 11/22/83 Sen 1/30 Hear 2/7 |
| <u>Ninth</u> Ariz, Ca, Id, Mont, Nev, Oreg, Wash, Alas, Hawaii & Guam) | | One for Wash eff 9/15/83 | Robert R. Beezer | Yes | 12/2 | | | |
| <u>Federal Circuit</u> (formerly Claims Court) | | Two, eff 2/21/82 & 10/01/83 | Pauline Newman Jean Bissell | Yes Yes | 9/27 | Q | 12/19 | Sen 1/30 |

| <u>DISTRICT</u> | <u>SPONSOR</u> | <u>VACANCIES</u> | <u>CANDIDATES</u> | <u>RESUME</u> | <u>FBI BACKGROUND COMMENCED</u> | <u>RATING</u> | <u>TO WH</u> | <u>REMARKS</u> |
|--------------------------------------|----------------|---------------------------------|-------------------|---------------|---|---------------|------------------|----------------|
| <u>Ct of International Trade</u> | | Two, eff 12/31/83 (2-Rep) | | | | | | |

JUDICIAL APPOINTMENTS DURING THE FIRST SESSION OF THE NINETY-EIGHTH CONGRESS

| <u>ABA Rating</u> | <u>Circuit/ District</u> | <u>Name</u> | <u>Confirmed</u> | <u>Appointed</u> | <u>EOD</u> |
|-----------------------|------------------------------|------------------------|------------------|------------------|------------|
| WQ | Ca, C | Pamela Ann Rymer | 02-23-83 | 02-24-83 | 04-28-83 |
| Q | Tx, N | A. Joe Fish | 02-23-83 | 02-24-83 | 03-11-83 |
| Q/NQ | NY, S | Shirley Wohl Kram | 03-02-83 | 03-02-83 | 05-23-83 |
| Q/NQ | Int'l Trade | Gregory Carman | 03-02-83 | 03-02-83 | 03-10-83 |
| Q | Miss, S | Wm. H. Barbour, Jr. | 04-21-83 | 04-25-83 | 04-27-83 |
| Q/NQ | Tx, W | Ricardo Hinojosa | 05-04-83 | 05-05-83 | 05-21-83 |
| EWQ | 7th Cir | Joel Flaum | 05-04-83 | 05-05-83 | 06-01-83 |
| Q | N.M. | Bobby Ray Baldock | 06-06-83 | 06-07-83 | 06-17-83 |
| WQ | Tenn, E. | H. Ted Milburn | 06-06-83 | 06-07-83 | 06-24-83 |
| Q/NQ | Tenn, W. | Julia Smith Gibbons | 06-06-83 | 06-07-83 | 06-24-83 |
| Q | NY, E | Leonard D. Wexler | 06-22-83 | 06-22-83 | 06-23-83 |
| EWQ/WQ | Maine | Gene Carter | 06-22-83 | 06-23-83 | 07-05-83 |
| WQ/Q | Conn | Peter C. Dorsey | 07-18-83 | 07-19-83 | 07-29-83 |
| EWQ | Mo, E&W | Stephen N. Limbaugh | 07-18-83 | 07-19-83 | 07-21-83 |
| Q/NQ | 8th Cir | Pasco Bowman | 07-18-81 | 07-19-83 | 08-01-83 |
| WQ | P.R. | Hector M. Laffitte | 07-26-83 | 07-27-83 | 08-22-83 |
| EWQ | Pa,E. | Thomas G. O'Neill, Jr. | 08-04-83 | 08-05-83 | 08-30-83 |
| Q | Pa,E. | James Mc. Kelly | 08-04-83 | 08-06-83 | 08-19-83 |
| WQ | Pa,E. | Marvin Katz | 08-04-83 | 08-06-83 | 08-26-83 |
| Q | Ca,N. | John P. Vukasin, Jr. | 09-20-83 | 09-20-83 | 09-26-83 |
| WQ/Q | NY,S. | John F. Keenan | 09-20-83 | 09-20-83 | 10-21-83 |
| Q/NQ | DC Cir | Kenneth W. Starr | 09-20-83 | 09-20-83 | 10-11-83 |
| Q | Fla,N. | C. Roger Vinson | 10-04-83 | 10-05-83 | 11-04-83 |
| Q/NQ | La,E. | Martin L.C. Feldman | 10-04-83 | 10-05-83 | 10-12-83 |
| Q | NJ | Maryanne Trump Barry | 10-06-83 | 10-07-83 | 11-10-83 |
| EWQ/WG | Wis, E. | Thomas P. Curran | 11-04-83 | 11-07-83 | |
| Q/NQ | Tenn, E. | Thomas G. Hull | 11-09-83 | 11-14-83 | 11-23-83 |
| EWQ/WQ | D.C. | Stanley S. Harris | 11-11-83 | 11-14-83 | 12-02-83 |
| Q | W.Va., S. | Elizabeth V. Hallanan | 11-11-83 | 11-14-83 | |
| Q | Fla, M. | G. Kendall Sharp | 11-15-83 | 11-16-83 | |
| WQ | Fla, S. | Lenore Carrero Nesbitt | 11-15-83 | 11-16-83 | 11-22-83 |
| WQ | Mich, E. | George C. Woods | 11-15-83 | 11-16-83 | 11-16-83 |
| WQ | 5th Cir | W. Eugene Davis | 11-15-83 | 11-16-83 | |
| Q | In't Trade | Jane A. Restani | 11-15-83 | 11-16-83 | 11-25-83 |

ABA
Rating

Circuit/
District

Name

Confirmed

Appointed

EOD

Claims Court

Claims
Claims
Claims

Moody Tidwell
James F. Merow
Robert J. Yock

05-17-83
08-04-83
08-04-83

05-18-83
08-05-83
08-05-83

06-01-83
08-19-83
08-19-83

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

| <u>DISTRICT</u> | <u>NAME</u> | <u>CONFIRMATION</u> | <u>APPOINTMENT</u> | <u>ENTRANCE ON DUTY</u> |
|----------------------|---------------------------|---------------------|--------------------|-------------------------|
| Alabama, N. | Frank W. Donaldson | 09/16/81 | 09/19/81 | 10/06/81 |
| Alabama, M. | John C. Bell | 07/31/81 | 08/03/81 | 08/14/81 |
| Alabama, S. | J. B. Sessions, III | 07/31/81 | 08/03/81 | 08/07/81 |
| Alaska | Michael R. Spaan | 07/31/81 | 08/03/81 | 08/31/81 |
| Arizona | A. Melvin McDonald | 07/31/81 | 08/03/81 | 09/01/81 |
| Arkansas, E. | George W. Proctor | 05/20/83 | 11/22/83 | 11/28/83 |
| Arkansas, W. | W. Asa Hutchinson | 03/31/82 | 04/01/82 | 04/09/82 |
| California, N. | Joseph P. Russoniello | 11/18/81 | 11/18/81 | 01/06/82 |
| California, E. | Donald B. Ayer | 12/03/81 | 12/03/81 | 12/24/81 |
| California, S. | Peter K. Nunez | 12/10/82 | 12/10/82 | 01/06/83 |
| Colorado | Robert N. Miller | 11/24/81 | 12/01/81 | 12/07/81 |
| Connecticut | Alan H. Nevas | 11/18/81 | 11/18/81 | 12/11/81 |
| District of Columbia | Joseph E. diGenova | 11/11/83 | 11/14/83 | 12/02/83 |
| Delaware | Joseph J. Farnan, Jr. | 07/31/81 | 08/03/81 | 08/04/81 |
| Florida, N. | W. Thomas Dillard | 02/23/83 | 02/24/83 | 03/04/83 |
| Florida, M. | Robert W. Merkle, Jr. | 04/22/82 | 04/23/82 | 04/30/82 |
| Florida, S. | Stanley Marcus | 04/22/82 | 04/23/82 | 07/28/82 |
| Georgia, N. | Larry D. Thompson | 08/05/82 | 08/06/82 | 09/13/82 |
| Georgia, M. | Joe D. Whitley | 10/21/81 | 10/26/81 | 11/12/81 |
| Georgia, S. | Hinton R. Pierce | 12/09/81 | 12/10/81 | 12/18/81 |
| Hawaii | Daniel A. Bent | 04/13/83 | 04/14/83 | 05/16/83 |
| Idaho | Guy G. Hurlbutt | 10/29/81 | 10/29/81 | 11/02/81 |
| Illinois, N. | Daniel K. Webb | 10/21/81 | 10/26/81 | 12/01/81 |
| Illinois, C. | Gerald D. Fines | 11/10/81 | 11/12/81 | 11/27/81 |
| Illinois, S. | Frederick J. Hess | 03/31/82 | 04/01/82 | 04/12/82 |
| Indiana, N. | R. Lawrence Steele, Jr. | 07/31/81 | 08/03/81 | 08/31/81 |
| Indiana, S. | Sarah Evans Barker | 07/15/81 | 07/16/81 | 07/24/81 |
| Iowa, N. | Evan L. Hultman | 05/11/82 | 05/11/82 | 05/13/82 |
| Iowa, S. | Richard C. Turner | 12/06/81 | 12/17/81 | 03/05/82 |
| Kansas | Jim J. Marquez | 11/24/81 | 12/01/81 | 12/30/81 |
| Kentucky, E. | Louis G. DeFalaise | 12/03/81 | 12/03/81 | 12/08/81 |
| Kentucky, W. | Ronald E. Meredith | 10/21/81 | 10/26/81 | 11/06/81 |
| Louisiana, E. | John P. Volz | 03/23/83 | 03/24/83 | 03/25/83 |
| Louisiana, M | Stanford O. Bardwell, Jr. | 10/20/81 | 10/24/81 | 10/26/81 |
| Louisiana, W. | Joseph S. Cage, Jr. | 12/09/81 | 12/10/81 | 01/08/82 |
| Maine | Richard S. Cohen | 07/31/81 | 08/03/81 | 08/11/81 |
| Maryland | J. Frederick Motz | 09/16/81 | 09/19/81 | 10/21/81 |
| Massachusetts | William F. Weld | 02/08/82 | 02/09/81 | 02/16/82 |

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

| <u>DISTRICT</u> | <u>NAME</u> | <u>CONFIRMATION</u> | <u>APPOINTMENT</u> | <u>ENTRANCE ON DUTY</u> |
|--------------------|--------------------------|---------------------|--------------------|-------------------------|
| Michigan, E. | Leonard R. Gilman | 10/07/81 | 10/08/81 | 10/27/81 |
| Michigan, W. | John A. Smietanka | 10/07/81 | 10/08/81 | 10/19/81 |
| Minnesota | James M. Rosenbaum | 11/24/81 | 12/01/81 | 12/10/81 |
| Mississippi, N. | Glen H. Davidson | 10/01/81 | 10/02/81 | 11/05/81 |
| Mississippi, S. | George L. Phillips | 10/01/81 | 10/02/81 | 10/08/81 |
| Missouri, E. | Thomas E. Dittmeier | 07/31/81 | 08/03/81 | 08/21/81 |
| Missouri, W. | Robert G. Ulrich | 12/09/81 | 12/10/81 | 12/24/81 |
| Montana | Byron H. Dunbar | 12/09/81 | 12/10/81 | 12/17/81 |
| Nebraska | Ronald D. Lahners | 11/10/81 | 11/12/81 | 11/30/81 |
| Nevada | Lamond R. Mills | 02/08/82 | 02/09/82 | 03/05/82 |
| New Hampshire | W. Stephen Thayer, III | 09/16/81 | 09/19/81 | 09/25/81 |
| New Jersey | W. Hunt Dumont | 11/10/81 | 11/12/81 | 12/02/81 |
| New Mexico | William L. Lutz | 03/15/82 | 03/16/82 | 03/19/82 |
| New York, S. | Rudolph W. Giuliani | 05/04/83 | 05/26/83 | 06/03/83 |
| New York, N. | Frederick J. Scullin | 08/05/82 | 08/06/82 | 08/31/82 |
| New York, E. | Raymond J. Dearie | 08/20/82 | 08/20/82 | 08/25/82 |
| New York, W. | Salvatore R. Martoche | 05/05/82 | 05/06/82 | 05/10/82 |
| North Carolina, E. | Samuel T. Currin | 10/07/81 | 10/08/81 | 10/09/81 |
| North Carolina, M. | Kenneth W. McAllister | 10/07/81 | 10/08/81 | 10/22/81 |
| North Carolina, W. | Charles R. Brewer | 11/10/81 | 11/12/81 | 11/13/81 |
| North Dakota | Rodney S. Webb | 10/07/81 | 10/08/81 | 10/16/81 |
| Ohio, N. | J. William Petro | 03/04/82 | 03/10/82 | 03/15/82 |
| Ohio, S. | Christopher K. Barnes | 12/09/81 | 12/10/81 | 01/05/82 |
| Oklahoma, E. | Gary L. Richardson | 04/22/82 | 04/23/82 | 05/26/82 |
| Oklahoma, W. | William S. Price | 05/04/82 | 05/05/82 | 05/07/82 |
| Oregon | Charles H. Turner | 03/31/82 | 04/01/82 | 04/13/82 |
| Pennsylvania, E. | Edward S. G. Dennis, Jr. | 05/03/83 | 05/04/83 | 05/09/83 |
| Pennsylvania, M. | David D. Queen | 03/15/82 | 03/15/82 | 03/22/82 |
| Pennsylvania, W. | J. Alan Johnson | 03/15/82 | 03/16/82 | 04/15/82 |
| Puerto Rico | Daniel F. Lopez Romo | 12/21/82 | 12/22/82 | 12/30/82 |
| Rhode Island | Lincoln C. Almond | 11/10/81 | 11/12/81 | 11/30/81 |
| South Carolina | Henry Dargan McMaster | 05/21/81 | 05/22/81 | 06/05/81 |
| South Dakota | Philip N. Hogen | 11/18/81 | 11/18/81 | 12/05/81 |
| Tennessee, E. | John W. Gill, Jr. | 11/18/81 | 11/18/81 | 12/03/81 |
| Tennessee, M. | Joe B. Brown | 12/09/81 | 12/10/81 | 12/14/81 |
| Tennessee, W. | W. Hickman Ewing, Jr. | 10/29/81 | 10/29/81 | 11/24/81 |

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

| <u>DISTRICT</u> | <u>NAME</u> | <u>CONFIRMATION</u> | <u>APPOINTMENT</u> | <u>ENTRANCE ON DUTY</u> |
|-------------------|------------------------|---------------------|--------------------|-------------------------|
| Texas, N. | James A. Rolfe | 07/03/81 | 08/03/81 | 08/10/81 |
| Texas, S. | Daniel K. Hedges | 07/15/81 | 07/16/81 | 07/27/81 |
| Texas, E. | Robert J. Wortham | 11/18/81 | 11/18/81 | 11/20/81 |
| Texas, W. | Edward C. Prado | 07/15/81 | 07/16/81 | 08/21/81 |
| Utah | Brent D. Ward | 12/03/81 | 12/03/81 | 12/07/81 |
| Vermont | George W. F. Cook | 10/07/81 | 10/08/81 | 10/09/81 |
| Virginia, E. | Elsie L. Munsell | 11/10/81 | 11/12/81 | 11/24/81 |
| Virginia, W. | John P. Alderman | 11/10/81 | 11/12/81 | 11/25/81 |
| Virgin Islands | James W. Diehm | 03/02/83 | 03/03/83 | 04/08/83 |
| Washington, E. | John E. Lamp | 10/01/81 | 10/02/81 | 12/04/81 |
| Washington, W. | Gene S. Anderson | 12/09/81 | 12/10/81 | 01/05/82 |
| West Virginia, N. | William A. Kolibash | 05/12/81 | 05/13/81 | 06/04/81 |
| West Virginia, S. | David A. Faber | 12/09/81 | 12/10/81 | 01/12/82 |
| Wisconsin, E. | Joseph P. Stadtmueller | 12/03/81 | 12/03/81 | 12/21/81 |
| Wisconsin, W. | John R. Byrnes | 12/09/81 | 12/10/81 | 12/12/81 |
| Wyoming | Richard A. Stacy | 07/31/81 | 08/03/81 | 09/08/81 |

THE WHITE HOUSE

WASHINGTON

February 3, 1984

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

MICHAEL K. DEEVER
ASSISTANT TO THE PRESIDENT AND
DEPUTY CHIEF OF STAFF

FROM: FRED F. FIELDING ,
COUNSEL TO THE PRESIDENT

SUBJECT: Democratic Congressional Campaign Committee
Complaint Against Reagan-Bush '84 and the President

The Democratic Congressional Campaign Committee (the "DCCC") has filed a complaint with the Federal Election Commission (the "FEC") alleging that, because of activities by the President and members of the White House staff throughout 1982 and 1983 with officials of the National Conservative Political Action Committee ("NCPAC"), NCPAC is precluded from making "independent expenditures" on behalf of the President, and, all of NCPAC's political activities in support of the President are illegal, excessive political contributions to Reagan-Bush '84. Although the DCCC named the President as a "respondent" in its complaint to the FEC, the FEC has not served me with notice of this complaint because, consistent with its past treatment of complaints against candidates and their authorized committees, it is treating Reagan-Bush '84 and the President as one respondent.

This complaint is part of a series of legal actions being initiated by the DCCC to contest the ability of NCPAC and other "independent expenditure" committees to make independent expenditures on behalf of the President in the 1984 elections. Last year the DCCC sought a judicial determination that the restrictions of the Presidential Election Campaign Fund Act prohibiting the spending of more than \$1000 in the Presidential general elections by "independent expenditure" committees was constitutional. */ The three judge panel considering

*/ In 1982, the Supreme Court, by a 4-4 decision, upheld a lower court decision finding such restrictions to be unconstitutional. The FEC, however, has taken the position that the Supreme Court's decision is not binding because it was not made by a majority opinion.

that request, however, ruled that such restrictions are unconstitutional. Although that decision will be appealed by the DCCC, this action was initiated as an interim measure to preclude NCPAC from making "independent expenditures" on behalf of the President's re-election.

As you know, an "independent expenditure" is one made without "consultation, coordination, cooperation or control" of the party on whose behalf such expenditure is made. The basis of the allegations against Reagan-Bush '84 are that the long term association of several of the President's advisers (e.g., Lyn Nofziger and Ed Rollins) with NCPAC, and specific actions taken by the White House staff in 1982 and 1983 are evidence of such "consultation, coordination, cooperation and control" that would preclude NCPAC from making "independent expenditures" on behalf of the President in the 1984 elections.

One specific incident cited as evidence of NCPAC's "lack of independence" is the telephone call the President made to Terry Dolan praising NCPAC's television special, "Ronald Reagan's America". The DCCC alleges that such film was made specifically to support the re-election of the President and contained only footage of the President that could have been obtained only through a special meeting with the President, and the President was calling to encourage NCPAC to continue its support of him. The facts as we know them, however, reveal that the President did not do a special taping for NCPAC in 1983 and that in his telephone conversation with Dolan he specifically acknowledged that he and Dolan could not engage in substantive political communications about what NCPAC could do for the President.

Procedurally, Reagan-Bush '84 has 15 days in which to respond to this complaint and to explain to the FEC why it should find "no reason to believe" that a violation of the Federal election laws has occurred. Since the factual allegations of the complaint are lengthy, and there is a need for careful coordination of such response between White House and campaign officials, Ron Robertson (the Reagan-Bush'84 counsel who will be the attorney of record on all responses to the FEC on this matter) has requested the FEC to grant a 10 day extension for our time of response. Such extensions are routinely granted.

You may recall that in anticipation of allegations of White House or campaign staff "collusion" with independent expenditure committees, we adopted a policy, in June, 1983, against any substantive political communications between White House officials and any representatives of political committees (such as NCPAC) known to be planning to make independent expenditures on behalf of the President if he became a candidate for re-election. Similarly, the first memorandum issued

to Reagan-Bush committee staff advised them of the restrictions on their communications with independent expenditure committees. For these reasons, we consider the DCCC complaint to be wholly without merit; nevertheless, it is possible that the FEC will find it necessary to investigate these allegations before resolving the matter in our favor. Such investigation, if it is initiated, will be considered confidential and the FEC staff and commissioners will be precluded from talking about it to anyone outside the Commission. We will have the right to waive the confidentiality of this investigation, but I cannot recommend such waiver at this time.

Attached for your information is a copy of the complaint filed with the FEC. I will advise you of the substance of the proposed responses to this complaint once it is prepared (which should be by next Wednesday) and keep you informed of any other actions that may arise with respect to this matter.

Attachment



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 31, 1984

HAND DELIVERY

Angela M. Buchanan Jackson
Reagan-Bush '84
440 1st Street, N.W.
Washington, D.C. 20001

Re: MUR 1624

Dear Ms. Jackson:

This letter is to notify you that on January 30, 1984 the Federal Election Commission received a complaint which alleges that Reagan-Bush '84 and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1624. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

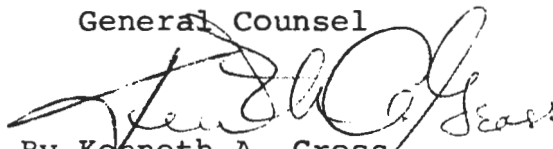
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you and your committee intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Gary Johansen, the staff member assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL:

ADDRESS:

TELEPHONE:

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

NAME:

ADDRESS:

HOME PHONE:

BUSINESS PHONE:

DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING COMPLAINTS FILED WITH THE
FEDERAL ELECTION COMMISSION

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and assigned to a staff member. Within 5 days of receipt of a complaint, the Commission shall notify, in writing, any respondent listed in the complaint that the complaint has been filed and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received and will be acted upon. The respondent(s) shall then have 15 days to demonstrate, in writing, that no action should be taken against him/ her in response to the complaint.

At the end of the 15 days, the Office of General Counsel shall report to the Commission making a recommendation(s) based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent(s). A copy of respondent's submission shall be attached to the Office of General Counsel's report and forwarded to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act, (FECA) and that the Commission will conduct an investigation of the matter; or (b) that the Commission finds no reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act (FECA) and, accordingly, that the Commission close the file on the matter.

If, by an affirmative vote of four (4) Commissioners, the Commission decides that it has reason to believe that a person has committed or is about to commit a violation of the Federal Election Campaign Act (FECA), the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for deposition, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission during its investigation.

If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

BEFORE THE
FEDERAL ELECTION COMMISSION

COMPLAINT

DEMOCRATIC CONGRESSIONAL)
 CAMPAIGN COMMITTEE,)
)
 Petitioner,)
)
 v.)
)
 NATIONAL CONSERVATIVE POLITICAL)
 ACTION COMMITTEE,)
 REAGAN-BUSH '84, and)
 RONALD REAGAN,)
)
 Respondents.)

MUR No. 1624

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I. INTRODUCTION

Yesterday, January 29, 1984, Ronald Reagan announced his candidacy for reelection for the Office of President. Today, the Democratic Congressional Campaign Committee ("DCCC") seeks immediate relief from illegal "independent" spending which has already been made on Mr. Reagan's behalf and which will continue to be made through November 1984, in the millions of dollars, unless this Commission acts.

This Complaint specifically alleges violations of the Federal Election Campaign Act of 1971, as amended ("FECA"), by the National Conservative Political Action Committee ("NCPAC"), in its continuing efforts to promote the re-election of Ronald Reagan. NCPAC has violated, and plans to continue violating, the FECA by making contributions in excess of the limitations to Reagan/Bush '84 and Ronald Reagan, and Reagan/Bush '84 and Ronald Reagan have violated, and will continue to violate, the

FECA by accepting these excessive contributions.* 2 U.S.C. §441a. These violations result from ostensibly "independent" expenditures by NCPAC on behalf of Ronald Reagan - expenditures which, in reality, have been and will continue to be coordinated with, and made in cooperation and consultation with, Reagan/Bush '84 and Ronald Reagan.

Furthermore, all the committees have violated the FECA by failing to report the making or receiving of the excessive contributions in violation of 2 U.S.C. §434.

The Democratic Party's nominee in the 1984 Presidential election may or may not be victorious at the polls. The outcome, however, should not be tainted because one side plays by the rules, and the other--to gain an advantage of millions of dollars--refuses to do so. The Commission must act to rectify these violations, including expedited investigation into this complaint, prompt conciliation with the respondents, and the imposition of appropriate civil penalties.

II. NCPAC "INDEPENDENT" ACTIVITY ON BEHALF OF RONALD REAGAN AND HIS PRINCIPAL CAMPAIGN COMMITTEE

According to FEC records, NCPAC is a political committee which supports or opposes numerous candidates for Federal

*The Democratic Congressional Campaign Committee is a registered national party multi-candidate committee. The National Conservative Political Action Committee is a registered multi-candidate committee organized to support or oppose candidates seeking nomination or election to Federal office. Reagan/Bush '84 is the principal campaign committee for the re-election campaign of President Ronald Reagan. Ronald Reagan is the President of the United States and a candidate for re-election to that office in 1984.

office through direct financial support and through "independent" expenditures. It is registered and reports as a political committee under the FECA.

NCPAC has a history of claiming to make "independent" expenditures in Federal elections, Advisory Opinion 1981-44, and it has specifically vowed to continue these independent expenditures during the 1984 election. Advisory Opinion 1983-10. Moreover, and most specifically, NCPAC has consistently solicited contributions for the specific purpose of making independent expenditures on behalf of Ronald Reagan's campaigns for the Presidency of the United States. And NCPAC has consistently made such "independent" expenditures--if "independent" in name only--to promote Mr. Reagan's presidential candidacy. As in the 1980 Presidential campaign of Ronald Reagan, when NCPAC sponsored a Ronald Reagan Victory Fund to support his candidacy through independent expenditures, Exhibit A, ¶¶46-49, a massive new independent expenditure program to support the President's 1984 re-election campaign has already been initiated by NCPAC. This new 1984 independent spending campaign on behalf of Ronald Reagan is expected to result in some \$5,000,000 in independent expenditures in support of his candidacy (or in opposition to his opponent when nominated). Exhibit A, ¶¶63-64.

The traditionally extensive, ostensibly "independent" activities by NCPAC on behalf of Ronald Reagan's presidential aspirations were reviewed extensively in the course of recent litigation in the United States Court of Appeals for the Third Circuit, in Democratic Party of the United States, et. al. v. National Conservative Political Action Committee, et. al. (Civil Action No. 83-2329). A "Joint Stipulation Of Fact", signed by all parties, including NCPAC, thoroughly reviews

these activities and is attached hereto as Exhibit A. In fact, this Joint Stipulation reveals that NCPAC's association with Ronald Reagan has not been one-sided: Ronald Reagan has returned NCPAC's financial favors, beginning with active fundraising efforts on behalf of NCPAC shortly after that committee came into existence in 1975. See Exhibit A, ¶¶40-41. As this Complaint will show, continuing reciprocal support and intimate contact between NCPAC and Ronald Reagan has characterized their relationship from 1975, when NCPAC was first organized, until the present day.

As set forth below, the DCCC asserts that the expenditures made by NCPAC to date to support Ronald Reagan's re-election in 1984 have not been independent. Moreover, because these expenditures have not been independent, NCPAC is precluded from making any independent expenditures on behalf of Ronald Reagan in the future.

III. THE RELATIONSHIP OF NCPAC, RONALD REAGAN AND REAGAN/BUSH '84

A. The Law

Under the FECA, an independent expenditure must be made "without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate." 2 U.S.C. §431(17). The Federal Election Commission ("FEC") in its regulations, defines "[m]ade with the cooperation or with the prior consent of ..." as, among other things:

- (i) Any arrangement, coordination or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication.

11 CFR §109.1(b)(4)(i).

In Advisory Opinion 1979-80, requested by NCPAC, the FEC found that cooperation may be found where an independent expenditure committee uses an agent (e.g., a consulting firm or advertising firm) which is also engaged by a candidate on whose behalf the committee is making independent expenditures. If cooperation sufficient to bar a claim to independence can be found in this indirect, third-party context, it is clear that direct contacts with the candidate or the candidate's committee would also violate true "independence".

NCPAC may not take comfort from, or base any legitimate defense on, any claim that its contacts with Mr. Reagan and his political agents have occurred to date only before the candidacy declared yesterday. NCPAC has attempted to travel this road before, and the FEC has blocked the way. In this situation, the Commission has declared,

activities of NCPAC on its own or in conjunction with the individual [before candidacy] could trigger candidate status... and even impact on NCPAC's ability to make independent expenditures ...

Advisory Opinion 1979-80.

Indeed, in Matter Under Review ("MUR") 1231, the General Counsel concluded upon a review of the law that even pre-primary, pre-candidacy support by NCPAC for an individual considering a race for Federal office can constitute a bar to subsequent support for that candidate through independent expenditure activity. First General Counsel's Report, MUR 1231.

NCPAC itself requested an Advisory Opinion that is directly on point here, and demonstrates that illegal pre-primary, pre-candidacy coordination bars subsequent "independent" spending. In Advisory Opinion Request 1983-12, NCPAC requested

FEC approval to run "congratulatory messages" on behalf of incumbent United States Senators both during and before election years. In a clear echo of a technique used on behalf of Ronald Reagan only last year, and discussed below, NCPAC admitted that certain of the officeholders "congratulated" would provide film footage for the ad to NCPAC or would cooperate in the shooting of the film.

In its opinion, the Commission found that the film ads clearly had a purpose of influencing Federal elections and were fully subject to statutory requirements, including contribution limitations. Moreover, spending for these films constituted contributions in-kind, not independent expenditures. The FEC relied on such factors as:

- the incumbent Senators' terms would expire soon after the ads were run and they were seeking, or expected to seek, re-election;
- NCPAC's status as a registered political committee;
- The content of the messages, which, while not advocating the election of any of the incumbents, mentioned their names numerous times, complimented their activities, and referred to their electorate and past elections specifically;
- The timing of the broadcasts.

As will be seen below, a NCPAC film, prepared in 1983 to promote Ronald Reagan's re-election in 1984, "Ronald Reagan's America," falls squarely within the purview of this ruling.

The law is clear. Sustained contact by a political committee with an individual before candidacy, to encourage and promote such candidacy, is antithetical to true legal independence. As Complainant will show, NCPAC has admitted to sustained contact with Ronald Reagan and his political agents throughout the last ten years with a view toward securing and promoting his presidential candidacy--including his candidacy for re-election in 1984 announced yesterday. These contacts were, moreover, accompanied by significant spending, both to solicit contributions to support Mr. Reagan through independent expenditures and to mount public appeals for his 1984 re-election in both media and direct mail appeals.

B. THE FACTS

1. General Contacts between NCPAC, Reagan and Reagan/Bush '84.

Contacts between NCPAC and Reagan/Bush '84 have been frequent and open. In DNC v. NCPAC, supra, challenging NCPAC's right to make independent expenditures in the presidential elections, NCPAC has admitted regular, frequent, and open contact with the Reagan Administration and its political representatives, including current officials of Ronald Reagan's re-election campaign organization. The range of these contacts, and their relationship to NCPAC's program of "independent" support for the President, is nothing short of brazen. The Commission should note specifically:

- o NCPAC has admitted that its contributors have received "off-the-record" and confidential policy briefings from key members of the Reagan cabinet, including the Secretary of Agriculture (John Block), the (former) Secretary of Health and Human Services (Richard Schweiker), the (former) Secretary of Transportation (Drew Lewis), the (former) Secretary of the Interior (James Watt), and the (former) Secretary of Energy (James Edwards). Exhibit A, ¶50.

- o NCPAC has admitted that Secretary Block met with major NCPAC contributors in his office on July 22, 1982, at the Department of Agriculture. Exhibit A, ¶51.

- o NCPAC has admitted that former Secretary Schweiker briefed major contributors to NCPAC in his office at the Department of Health and Human Services on September 14, 1982. Exhibit A, ¶52.

- o NCPAC has admitted that major contributors to NCPAC were briefed by Secretary Lewis in his office at the Department of Transportation on September 14, 1982. Exhibit A, ¶53.

- o The Reagan Administration provided these policy briefings and intimate interviews with major contributors as a political favor to, and reward for, NCPAC as one of the President's key political supporters. NCPAC's Chairman, Mr. John T. Dolan, has described these briefings as "one of the ways we [NCPAC] raise high-dollar money". Exhibit A, ¶54.

- o NCPAC has admitted, that the Republican National Committee has maintained continued close relations with NCPAC, including a widely reported "peace mission" to ensure continued support from NCPAC and other "New Right" groups for the President. Indeed one such reported meeting specifically addressed the role that "independent" spending would play in the re-election of Ronald Reagan. The same press reports have stated, and NCPAC has admitted, that the meeting was arranged by Lyn Nofziger, an advisor to President Reagan, and formerly his Assistant to the President for Political Affairs. Exhibit A, ¶¶56-59.

To MDI

- o NCPAC has admitted that James Baker, President Reagan's Chief of Staff, arranged in February, 1983, for major contributors to NCPAC to participate in a full day of briefings by President Reagan and his aides as requested by John T. Dolan, Chairman of NCPAC. Exhibit A, ¶¶61-61.

- o NCPAC has admitted that President Reagan has followed, and communicated with NCPAC about, NCPAC's current program of independent expenditures in support of his own re-election. Specifically, NCPAC has admitted the truth of press reports on October 3, 1983, that President Reagan specifically called NCPAC's Chairman, John T. Dolan, to congratulate him on NCPAC's television program "Ronald Reagan's America". Exhibit A, ¶65.

- o President Reagan's principal advisors have specifically communicated to NCPAC on other campaigns, not involving the President, which presage similar close cooperation in support of the President's own re-election campaign. Edward Rollins, formerly in the White House Office of Political Affairs and now a member of the President's re-election committee, stated specifically that he would work closely with NCPAC in the 1982 Congressional campaigns. Exhibit A, ¶72.

2. A Case in Point: "Ronald Reagan's America" - Cooperation and Consultation on Production of the Film.

In 1983, NCPAC produced a film, extolling the virtues of Ronald Reagan's presidency and appealing for his re-election. In the film, the President appears in numerous news clips. In addition, however, at the beginning and end of the film, the President is shown in what is apparently footage filmed specifically for inclusion in the NCPAC film. These portions of the film are from no known news clips, and would appear to have been created specifically for the purpose of narrating NCPAC's film.

The film generally reviews Ronald Reagan's activities as President, and lauds his achievements. Further, the film attacks Democratic Party opposition to Mr. Reagan and his policies. This attack includes, by photographic reference, Democratic candidates who are currently seeking the nomination of the Democratic Party for the Presidency--potential opponents of Ronald Reagan. As mentioned earlier, Ronald Reagan was so favorably impressed by this film that he called to congratulate NCPAC. Exhibit A, ¶65.

3. NCPAC's General Disregard for Federal Election Laws

These continuous contacts between NCPAC, the Reagan Administration, Reagan/Bush '84 and Ronald Reagan are evidence of widespread and ongoing cooperation to promote the presidential candidacy of Ronald Reagan. NCPAC no doubt is proceeding with minimal concern about the legality of its actions. It is well known for its flaunting of the independent expenditure laws and for its continuous efforts to avoid the independent expenditure rules and regulations. See generally, Exhibit B.**

IV. CONCLUSION

The DCCC has offered evidence above of possible violations of the FECA. This evidence justifies, at the least, a "reason to believe" finding and a full investigation by the FEC. The FEC's Office of General Counsel has maintained that reason to believe findings rest on a de minimus showing, sufficient to justify the application of the FEC's full investigatory powers. The evidence above shows that NCPAC, Reagan/Bush '84 and Ronald Reagan have violated the FECA in the following manner:

1. Violation of §441a. The DCCC has shown that NCPAC, Reagan/Bush '84 and Ronald Reagan have had continuous and ongoing contacts with one other. Further, there is direct evidence that Ronald Reagan directly cooperated with NCPAC in

** A fresh and graphic example of NCPAC's indifference to the law may be found in the recently disclosed enforcement action by the FEC to remedy NCPAC's illegal "independent" spending on behalf of Mr. Bruce Caputo, Senator Moynihan's early opponent for re-election in 1982. The record of that case shows intimate contact between Mr. Caputo's campaign and agents of NCPAC, including participation by NCPAC's New York Chairman in staff meetings of the Caputo Committee. See Exhibit B ("Election Law Violations Admitted in '82 Race", The Washington Post, January 28, 1984. at A4.)

producing the film "Ronald Reagan's America". By acquiescing in the making of the film, Ronald Reagan tainted any efforts of NCPAC to make independent expenditures on his behalf in the future. Nonetheless, NCPAC is currently soliciting contributions and is proposing to make voluminous independent expenditures on President Reagan's behalf.

Under the FECA, FEC regulations and FEC rulings, NCPAC cannot claim independence here. There can be no "independence" when the committee coordinates its activities with the campaign of the candidate who will benefit from the "independent" expenditures or with candidate himself. Furthermore, contacts with an individual or his agents, prior to becoming a candidate but with the express purpose of encouraging and promoting his candidacy, fatally taint any claims of true independence in the future.

For these reasons, NCPAC's current and planned expenditures on behalf of Ronald Reagan are serious violations of the law. These expenditures are not independent, but instead are contributions subject to the limitations established in §441a of the FECA.

2. Violation of §434. As contributions in-kind, NCPAC must report its expenditures on behalf of Ronald Reagan as contributions. As such, they must also be disclosed by Reagan/Bush '84. These committees have failed to report any contributions.

On the basis of the foregoing, the DCCC requests that the
FEC:

1. Conduct a prompt and immediate investigation of the facts and legal conclusions stated in this complaint;

2. Enter into a prompt conciliation with NCPAC and Reagan/Bush '84 to remedy the violations alleged in this complaint, and most importantly, to ensure that no further violations occur; and

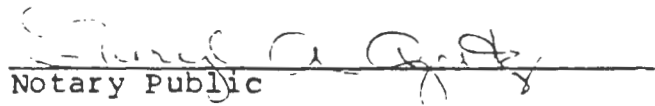
3. Impose any and all civil penalties appropriate to the violations alleged in this Complaint.

Respectfully submitted,

 Coelho

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Subscribed and sworn to me on this 30th day of January, 1984.


Notary Public

My Commission Expires January 1, 1987