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File Folder: Counsel's Office 7/84 - 1/85 [3 of 4] ~~OA 10514~~ Box 7 **Date:** 3/1/99

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. memo	Fred Fielding to Baker re John Anderson's attempt to obtain federal funding for the Mondale-Ferraro campaign 3 p.	8/28/84	~~P5~~ LCB 10/5/00
2. note	JC to Baker re judicial appointment 1 p.	8/21/84	~~P5,P6~~ ~~P6~~ B6

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 statue [(b)(3) of the FOIA].
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- 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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BH: Copy in Special Mems File, pls. JHB III

THE WHITE HOUSE

WASHINGTON

August 30, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Payment by Host Governments of Expenses Incurred by the Official Party During the Economic Summit Trip

This is to provide guidance on whether it was appropriate for the Governments of Ireland and England to pay the expenses of the Official Party of the President during his recent visits to those countries; if such expenses could be paid by the host governments are the recipients required to report such payments in any way; and, should members of the Official Party return any expense advances they may have received from the U.S. Government.

Pursuant to the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342, a Government official:

> may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency. 5 U.S.C. § 7342(c)(1)(B)(ii).

Hence, if it was consistent with the interests of the United States for the host governments to pay the travel expenses of the Official Party, and permitted by the regulations of the Executive Office of the President, the travel expenses (in England and Ireland) of the White House members of the Official Party could be paid by the Governments of England and Ireland.

The State Department has advised that acceptance of the offers made by the governments of Ireland and England is "consistent with the interests of the United States."

The Executive Office of the President has adopted the regulations of the State Department, 22 C.F.R. § 3, with respect to the acceptance and reporting of travel expenses received by White House staff from foreign governments. Pursuant to those

regulations, it is permissible for an employee to accept gifts of travel or expenses from a foreign government when the employee's official travel orders place him in the position "of accepting travel or travel expenses offered by a foreign government which are directly related to the authorized purpose of the travel." 22 C.F.R. § 3.4.

The "official travel orders" of the White House Staff members of the Official Party did anticipate the payment of travel expenses by the host governments in Ireland and England as such orders provided each member of the Official Party with only 40% of the amount of the per diem to which they were entitled. Moreover, as a result of the reduction, the State Department has advised that the per diems issued to the members of the Official Party by the State Department need not be returned as they were for expenses not covered by the host governments in Ireland and England.

Thus, it was permissible for the host governments in Ireland and England to pay the travel expenses of the Official Party of the President in those countries, and, according to the State Department, it was permissible for the U.S. Government to provide the Official Party with reduced per diems for their expenses on this trip.

Pursuant to applicable State Department and Ethics in Government Act regulations, receipt of these travel expenses need not be reported. The applicable State Department regulations do not require a reporting of travel expenses received from a foreign government if the expenses were "accepted in accordance with specific instructions from the department or agency." 22 C.F.R. § 3.6(b). State has advised that the official travel orders of the White House members of the Official Party and the memoranda received by the members of the Official Party from the London and Ireland Advance Staff are sufficient to meet the "specific instruction" requirement of that regulation. Similarly, these expense payments need not be disclosed on the recipients' annual financial disclosure reports because such payments are excluded from the definition of a "gift" under the regulations applicable to such reports. 5 C.F.R. § 734.105(f)(3).

cc: Edwin Meese III
Michael K. Deaver
Robert C. McFarlane
Richard G. Darman
Edward V. Hickey, Jr.
Michael A. McManus, Jr.
Larry M. Speakes

THE WHITE HOUSE

WASHINGTON

August 30, 1984

MEMORANDUM FOR JAMES K. COYNE

FROM: FRED F. FIELDING

RE: Your Proposed Testimony at Congressional Hearing

Jim, as I told you last year when you were set to testify before Senator Hatch, such testimony by White House Staff officials is contrary to the doctrine of separation of powers and the strong policy of this and prior Administrations. Thus, I am at a loss as to (1) why you are seeking to do the same thing again; and (2) why you attempt to seek clearance for this from OMB.

The answer is the same as it was the last time!

cc: James A. Baker III
Michael K. Deaver
Richard Darman
B. Oglesby
David Stockman
Mike Horowitz

August 28, 1984

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

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: John Anderson's Attempt to Obtain Federal Funding for the Mondale-Ferraro Campaign

This will respond to your request for guidance whether John Anderson and his "political party," the National Unity Party, could obtain Federal funding for the Mondale-Ferraro campaign.

As you know, John Anderson has announced that he will endorse Mondale's candidacy for President today. News reports have implied that Anderson, who received approximately 7% of the votes cast in the 1980 Presidential election, might have the National Unity Party (which Anderson formed in 1980) name Walter Mondale as its 1984 Presidential nominee, and that this nomination would afford approximately $7.8 million in additional Federal funding to the Mondale-Ferraro ticket.

There are several legal obstacles to the grant of Federal funding to Walter Mondale as the Presidential "nominee" of the National Unity Party.

First, the FEC must determine that the "National Unity Party" is a minor political party as defined by the Federal election laws. 26 U.S.C. § 9002(7), see also 11 C.F.R. § 9002.15. In past considerations of this issue, the FEC has avoided making this determination. In 1980, the FEC determined that John Anderson was entitled to post-election Federal funds; however, the specific question of whether the National Unity Party was a "political party" was not resolved. See FEC Advisory Opinion 1980-96 (attached). Moreover, in considering whether Anderson would be entitled to pre-election Federal funding as a Presidential candidate in 1984, the FEC stated that a condition precedent to receipt of such funding would be for Anderson to be the nominee of a minor political party, and noted that it did not have sufficient facts before it to determine that the National Unity Party was such an entity. FEC Advisory Opinion 1982-62 (attached).

Second, there is serious doubt whether a presidential candidate who has been nominated by more than one political party may exceed the statutory spending limit of $40.4 million for

presidential candidates in the general election. Those spending limits (2 U.S.C. § 441a(b)(1) state:

> No candidate for the office of President of the United States who is eligible under section 9003 of title 26 . . . to receive payments from the Secretary of the Treasury may make expenditures in excess of --
>
> ***
>
> (B) [$40,400,000] in the case of a campaign for election to such office.

Even if one were to assume that the National Unity Party qualifies as a "political party" under the Federal election laws, its nominee would only be eligible to receive Federal funding under 26 U.S.C. § 9003 and, consistent with the language noted above, would be subject to the overall spending limitations of 2 U.S.C. § 441a(b)(1). Hence, any attempt by Mondale as the National Unity Party nominee to receive Federal funding in excess of the $40.4 million to which he is entitled as the Democrat Party Presidential nominee should be futile.

As an alternative to a seemingly futile attempt to obtain Federal financing for Walter Mondale as its Presidential nominee, the National Unity Party may attempt to state that it is entitled to make "coordinated party expenditures" (similar to those the RNC may spend on behalf of the President) on behalf of Mondale. This, too, would seem to be a doomed effort. Under 2 U.S.C. § 441a(d) a national committee of a political party may make coordinated expenditures on behalf of its Presidential nominee. However, as the FEC noted in its 1980 opinion regarding post-election Federal financing for John Anderson, whether an organization is the "national committee of a political party" involves considerations wholly distinct from the requirements for mere "political party" status. An organization wishing to avail itself of the provisions of § 441a(d)

> must demonstrate that it operates at the national level by nominating candidates on an on-going basis rather than with respect to a particular election ... and publicizing issues of importance to the party and its adherents through the United States. FEC Advisory Opinion 1980-96 note 11.

Based on the foregoing criteria, it is highly doubtful that the National Unity Party, which has been largely dormant during the past four years, could qualify as a national committee for the purposes of § 441a(d) expenditures.

RECOMMENDATION: Although any efforts by John Anderson to obtain additional Federal funding for Walter Mondale would appear to be legally deficient, Reagan-Bush '84 should be prepared to file comments with the FEC immediately upon any attempt by Mondale to receive additional Federal funding for his campaign. At the same time, Reagan-Bush should be prepared to seek an injunction precluding the FEC from certifying such Federal funding for Mondale.

Reagan-Bush '84 is drafting these documents; we should have drafts of them Tuesday morning.

(The FEC must make a determination with respect to certification of any Federal funding request by an eligible Presidential candidate within 10 days of receipt of such request; however, it expedited its consideration of the requests of both the President and Walter Mondale. Hence, Reagan-Bush must be prepared to act immediately upon any official requests for funding Mondale or the National Unity Party may make to the FEC.)

1971, as amended ("the Act"), to a proposed merchandising program featuring a fictituous presidential candidate, George Orwell, for 1984.

Your letter states that Response Marketing, Inc., plans to undertake a sales promotion for a variety of products "relating to themes suggested in Mr. Orwell's book", 1984. These products would be distributed to and sold nationally through book and general merchandise stores. All products would carry the words "Elect George Orwell in 1984; George Orwell for President Committee, or something similar." In addition, you anticipate that a committee of writers and "publicity people" would be established with a Washington, D.C. address but that no contributions will be sought; any contributions received will be returned. You ask whether the described activity is subject to the Act.

The Commission concludes that the proposed merchandising campaign that you describe is not subject to the Act so long as the merchandising campaign does not undertake to influence the election or defeat of an actual person. The Act has no application to purely commercial activity that does not involve the receipt or payment of money or anything of value for the purpose of influencing the election of any person to Federal office. See Advisory Opinion 1978-72 [¶5361]; also see Advisory Opinion 1982-30 [¶5673], copies enclosed. However, you should be aware that, depending on the facts, references in your promotional materials to an actual candidate may result in treating those costs as expenditures for the purpose of influencing, or in connection with, a Federal election. See 2 U.S.C. Section and Section 441b.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. Section 437f.

Dated: February 4, 1983.

[¶5703] AO 1982-62: General Election Funds for Representative Anderson

[Representative John Anderson will be entitled to pre-election federal funds if he meets all the qualifications stipulated in the applicable law and regulations. Answer to Thomas S. Johnson of Williams & McCarthy, 400 Talcott Building, P. O. Box, 219 Rockford, Illinois 61105.]

This refers to your letter of December 13, 1982, requesting an advisory opinion with respect to application of the Presidential Election Campaign Fund Act ("the Fund Act") to John B. Anderson in the event he becomes a presidential candidate for 1984.

Your request recalls the fact that as a presidential candidate in the 1980 general election Mr. Anderson received more than 5% but less than 25% of the total number of popular votes received by all candidates for President in that election. Commission records indicate that Mr. Anderson received 5,719,437 popular votes and that such vote total was 6.61% of the total popular vote for President. Agenda Document #81-2-B for the Agenda of January 8, 1981. The Commission issued certifications of entitlement under the Fund Act with respect to Mr. Anderson in November 1980 and January 1981. Those certifications were based upon all the popular votes he received in the 1980 general election. See Agenda Documents #80-373 for the Agenda of November 10, 1980, and #81-2-B; also see Advisory Opinion 1980-96 [¶5535].

Your request further states that Mr. Anderson is currently considering whether he will become a presidential candidate for 1984 "on behalf of a political organization similar to that of his 1980 campaign." At this time, you explain, Mr. Anderson has neither formally organized a political party to support his possible candidacy, nor has he taken action under state laws to qualify for the 1984 general election ballot.

With this limited factual background, your request presents the question:

> When will John B. Anderson, who as a new party Presidential candidate in the 1980 general election received more than 5%, but less than 25% of the total number of the popular votes, be eligible for pre-election funding in the next Presidential general election under the provisions of 26 U.S.C. §9004(a)(2)(B) as a Presidential candidate, assuming he would satisfy all of the conditions for eligibility under 26 U.S.C. §9003?

This question, as you have framed it, presumes that Mr. Anderson will have a pre-general election entitlement in the 1984 presidential general election under 26 U.S.C. §9004(a)(2)(B) if he satisfies all conditions of eligibility under 26 U.S.C. §9003. Accordingly, you ask: when will Mr. Anderson become "eligible for pre-election funding..."?

As you realize, the amount of pre-general election funding under the Fund Act for an eligible candidate, who is not a major party candidate, is determined pursuant to 26 U.S. §9004(a)(2).1/ You have posed the question of Mr. Anderson's pre-general election entitlement for 1984 only with respect to §9004(a)(2)(B). That provision states:

> (B) If the candidate of one or more political parties (not including a major party) for the office of President was a candidate for such office in the preceding presidential election and received 5 percent or more but less than 25 percent of the total number of popular votes received by all candidates for such office, such candidate and his running mate for the office of Vice President, upon compliance with the provisions of section 9003(a) and (c), shall be treated as eligible candidates entitled to payments under section 9006 in an amount computed as provided in subparagraph (A) by taking into account all the popular votes received by such candidate for the office of President in the preceding presidential election. If eligible candidates of a minor party2/ are entitled to payments under this subparagraph, such entitlement shall be reduced by the amount of the entitlement allowed under subparagraph (A).

The quoted provision requires the presidential candidate of one or more political parties (other than a major party), who claims funds thereunder, to have received in the next preceding presidential election at least 5% (but less than 25%) of the total number of popular votes received by all presidential candidates in that election. As noted above, the Commission determined in 1980 and 1981 that Mr. Anderson received sufficient popular votes in the 1980 presidential general election, and otherwise satisfied the requirements of the Fund Act, to qualify for post general election funding. Advisory Opinion 1980-96. By virtue of that 1980 record, including the Commission's certifications with respect to Mr. Anderson's entitlement under 26 U.S.C. §9004(a)(3), Mr. Anderson satisfies two of the mandatory requirements of entitlement under 26 U.S.C. §9004(a)(2)(B): he was an eligible presidential candidate in 1980 who received 6.61% of the popular votes received by all 1980 presidential candidates. With regard to another requirement of §9004(a)(2)(B)-- status as the 1984 presidential candidate of one or more political parties (not including a major party)-- the Commission does not presently have before it sufficient facts on which to judge whether Mr. Anderson would qualify under this section. Neither does the Commission presently have before it the question of whether or not an independent candidate may qualify for

public funding under Chapter 95.

In response to your question of when Mr. Anderson may be entitled to pre-general election funding for 1984, any future certification by the Commission of his entitlement would be dependent on his compliance with all conditions for eligibility as set forth in the Fund Act and Commission regulations. One of these conditions is that Mr. Anderson be qualified to have his name on the 1984 election ballot as the presidential candidate of a political party in 10 or more states. 26 U.S.C. §9002(2)(B). See generally 26 U.S.C. §9002, §9003, §9005 and Commission regulations at 11 CFR Parts 9002, 9003, 9004, and 9005. Once the Commission determines that Mr. Anderson has satisfied all applicable conditions of eligibility, it is required to make an initial certification of the amount of his entitlement to the Secretary of the Treasury. This certification is required to be made no later than 10 days after the date the Commission determines that the conditions of eligibility have been met. 26 U.S.C. §9005, 11 CFR 9005.1.

This response constitutes an advisory opinion concerning application of the Fund Act, or requlations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

Dated: February 8, 1983.

1/ Sections 9004(b) and 9004(c) also impose limitations and restrictions on the entitlements of eligible candidates. Although applicable, these provisions are not at issue in this opinion.

2/ The term "minor party" is defined in 26 U.S.C. §9002(7). See also Commission regulations at 11 CFR 9002.7 and 9002.15.

[¶5704] AO 1982-63: Payroll Deductions for Partnership Political Committee

[A partnership may institute a payroll deduction plan for contributions to its political committee from individual partners and employees of partners that are professional corporations, but none of the costs may be paid by corporate partners. Answer to Terry D. Garcia of Manatt, Phelps, Rothenberg & Tunney, 811 W. Seventh Street, Twelfth Floor, Los Angeles, California 90017.]

This responds to your letter of December 13, 1982, requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to the establishment of a contribution "check-off system."

Your letter states that Manatt, Phelps, Rothenberg & Tunney ("the Firm") is an unincorporated law firm. The Firm is comprised of 37 parthers of whom 18 are professional corporations. The Manatt, Phelps, Rothenberg & Tunney Political Action Committee ("the PAC") is a political committee as defined under 2 U.S.C. §431(4)(A).*/ You state that the PAC solicits voluntary contributions from each of the Firm's noncorporate partners as well as from the employees of each of the Firm's professional corporations.

In order to facilitate the making of contributions to the PAC, the Firm proposes to institute a "check-off system." Specifically, you propose to permit noncorporate partners to authorize the Firm to withhold a specified amount from their share of Firm profits and to transfer said amount directly to the PAC. In the case of professional corporations, it is proposed that the employee of each corporation be permitted to direct the contribution to the PAC. To further expedite this transfer, the corporation would, in turn, authorize the Firm to deduct the amount of the proposed contribution from the corporation's share of Firm profits and transfer said amount directly to the PAC on behalf of the professional corporation's employee. You ask whether the Firm may offer this check-off system to its noncorporate partners, as well as to the employee of each professional corporation/partner.

[¶5535] AO 1980-96: Federal Funds for Independent Candidate

[Representative John Anderson is supported by a party organization and is on the ballot in sufficient states to qualify for federal funds if he receives sufficient votes in the general election. Answer to Mitchell Rogovin, Counsel to John B. Anderson and General Counsel for the National Unity Campaign for John Anderson, Rogovin, Stern & Huge, 1730 Rhode Island Avenue, N. W., Washington, D. C. 20036.]

This is in response to your letter of August 11, 1980, requesting an advisory opinion on behalf of John B. Anderson and the National Unity Campaign for John Anderson. The Commission understands your request to pose the following question:

> Whether John B. Anderson would be excluded from receiving post-election public funds by operation of the provisions of §9004(a)(3) of the Presidential Election Campaign Fund Act ("the Fund Act"), 26 U.S.C. §§9001, et seq.

Your request together with other papers submitted to the Commission1/ set forth as pertinent the following facts and statements regarding Mr. Anderson:

On April 24, 1980, John B. Anderson publicly announced his intention to pursue an independent candidacy for the Presidency for the 1980 general election. Thereafter, he established the National Unity Campaign as his principal campaign committee to coordinate and further his candidacy and as a nationwide campaign organization. At the same time, Mr. Anderson stated that he would not seek to establish the elaborate machinery of a new nationwide political party to support his candidacy but would instead run as an independent candidate appealing for support not only to those who did not currently identify themselves as party members but also to Democrats and Republicans dissatisfied with the candidates or programs being offered by their own parties. Mr. Anderson is presently certified to be on the ballot, or has met all of the requirements for ballot access, in more than 10 states as a candidate for President of the United States.

The National Unity Campaign ("NUC") is an unincorporated political committee which currently has a monthly payroll of over $200,000 covering 259 employees and hundreds of additional volunteers. It is headquartered in Washington, D.C., now occupying several floors of an office building at 3255 K Street, N.W., Washington, D.C. 20007. The officers and principal supervisors of the NUC are located in the Washington office, as are over 100 employees and volunteers. The NUC has State and regional offices throughout the country in virtually every state and many large cities. State and regional coordinators report to the Washington headquarters of the NUC. Funds raised through the efforts of State and regional offices are transmitted to Washington. Among the NUC's purposes is to place Mr. Anderson's name on the general election ballot in every State and the District of Columbia.

The NUC has a platform which is still being formulated. Mr. Anderson's positions and statements have been gathered on a number of issues. Issue advisors, on the staff of the National Unity Campaign, have refined and further developed Mr. Anderson's positions. In addition, Mr. Anderson has met on numerous occasions with campaign advisors and with supporters, advisors and experts on issues who are not directly working for the campaign, to shape and develop his substantive campaign positions and proposals and the platform. While the NUC has no formal or written rules regarding the manner in which campaign workers, advisors or others shall "input" their views into the platform, the NUC has sought such input from many individuals across the country.

The NUC does not presently intend to create or perpetuate a party apparatus with permanent state and local organizations and physical facilities, is not at this time supporting or endorsing other political candidates, and is not asking voters affiliated with other parties to renounce those affiliations and join a different party. Rather, the NUC is established to promote a particular set of political programs and views and a particular candidate, offering the voters a choice for national leadership which Mr. Anderson and his supporters do not believe is currently being offered by either of the major parties.

No consideration has been given as of this date to whether the National Unity Campaign will be terminated after November 4, 1980, and therefore there is no intention presently formed as to this matter one way or the other. However, should Mr. Anderson be elected it is anticipated that the National Unity Campaign would assist after November 4 in his transition to the office of the President in January 1981.

In addition to organizing the National Unity Campaign, Mr. Anderson, together with the NUC and local supporters, have established organizations in several states. One such organization is the Anderson Coalition Party, a new political party pursuant to Michigan Statutes Annotated §§6.1685, 6.1560(2) eligible to have its candidates for President and Vice President on the Michigan general election ballot for November 1980. To establish the Anderson Coalition Party as a new political party in Michigan, supporters of John Anderson, in compliance with M.S.A. §6.1685, circulated petitions on behalf of the proposed political party, collecting more than 18,339 valid signatures. Those signatures were filed with the Secretary of State's office by May 5, 1980. On May 24, 1980, in compliance with M.S.A. §6.1686(a), county caucuses to elect delegates to the Anderson Coalition State Convention were held in each congressional district. The delegates so elected met on May 31, 1980 pursuant to M.S.A. §6.1686(a) in state convention where they selected John B. Anderson as their presidential nominee. A vice-presidential nominee and 21 electors were also nominated.

In compliance with M.S.A. §6.1686(a), the nominees of the state convention were certified to the Secretary of State on June 2, 1980. Also on June 2, 1980, the Michigan Board of State Canvassers certified the Anderson Coalition for ballot position as a new political party for the August 5, 1980 primary. On August 5, the Anderson Coalition Party received sufficient votes in the primary to achieve ballot position in the November 1980 general election ballot for its Presidential and Vice-Presidential nominees.2/

The National Unity Campaign for John Anderson funded the petition drive to establish the Anderson Coalition as a new political party in Michigan. The National Unity Campaign has continued to provide funds for the Anderson Coalition's efforts to obtain a ballot position in November for John B. Anderson in Michigan. The Anderson Coalition has forwarded to the National Unity Campaign for John Anderson money that it has raised in Michigan.

Another such organization is the Independents for Anderson Party of North Carolina, established pursuant to North Carolina General Statute §163.96. Petitions for the establishment of the Independents for Anderson Party were circulated in North Carolina beginning in early May and the signed petitions containing 19,004 signatures were delivered to the county Boards of Election on May 15. The verified signatures were then filed with the State Board of Elections on June 2, and after a hearing on June 17, 1980, the Board certified the new party. Beginning on June 18, notices of the party convention were printed in the Ashville Citizens Times, the Charlotte Observer, the Greensboro Record, and the Raleigh News and Observer. Information packets concerning the convention were sent to supporters, and throughout the week of June 23, registration of party members was conducted at the county Boards of Election. The Independents for Anderson Party convention was held on June 28, with 108 delegates to the convention representing 45 North Carolina counties and each congressional district. John B. Anderson and James Clotfelter were nominated as President and Vice President, respectively, and their names were certified to the State Board by the party chairman on June 29 and received by the Board on June 30.

After a challenge was brought to the certification of the party and its nominees, the State Board of Elections ruled that John B. Anderson was ineligible to be the presidential nominee of the Independents for Anderson Party. However, on August 20, 1980, Federal District Judge Dupree of the Eastern District of North Carolina issued a permanent injunction preventing the State of North Carolina from printing its general election ballot without the name of John B. Anderson as the presidential nominee of the Independents for Anderson Party of North Carolina.

A third such organization is the Anderson Party of Delaware, formed pursuant to 15 Delaware Code §§3001, 3301 et. seq. which require that in order to nominate a presidential candidate, a new political party must have at least 131 registrants for that party on or before August 16, 1980. On August 16, 1980, voters registered as members of the Anderson Party of Delaware and representing 34 legislative districts met in convention. The caucuses from the legislative districts elected 34 delegates who unanimously nominated John B. Anderson as the party's presidential nominee.

Pursuant to 15 Del. Code. §3303, the party's certificate of nomination for John B. Anderson must be filed with the Secretary of State by September 1, 1980.

In addition to states such as those described above in which a relatively elaborate political party mechanism was established pursuant to State law, there are a number of other states in which Mr. Anderson and his supporters have organized somewhat less formally to achieve the immediate object of ballot access. For example, in Connecticut, to obtain ballot accesss under state law, supporters of Mr. Anderson circulated petitions to nominate him for President as the nominee of the Anderson Coalition. He will appear on the ballot under the Anderson Coalition label. However, the Anderson Coalition did not hold any caucuses or conventions.

Similarly, in New York, petitions circulated for a presidential candidate are required to bear a party name and emblem. In New York, therefore, to comply with the statute, the petitions nominating Mr. Anderson bear the name of the Unity Coalition Party.

Another variation is the State of Washington where a candidate may be nominated for President by 159 registered voters meeting in convention, declaring their support for the candidate and then nominating him. The candidate, however, then appears on the ballot without any party affiliation being designated since the convention structure does not nominate the candidate as the nominee of a party but only of those voters. R.C.W. §§29.24.040; R.C.W. 29.24.030. A convention was held to nominate John B. Anderson for President on July 26, 1980 and it was attended by 775 registered voters.

The State of Hawaii presents yet another variation. In Hawaii, John Anderson's supporters are seeking to qualify him for the ballot as an independent candidate pursuant to H.R.S. §11-113(b)(2) which governs ballot access for all candidates except those of major parties. It requires that a candidate's supporters file petitions with the candidate's name signed by 2,927 registered voters, provided that the requisite signatures are certified by September 5. Mr. Anderson will appear on the general election ballot as an independent. Hawaii, however, provides no mechanism for choosing electors for independent candidates. The only provisions governing selection of electors is H.R.S. §14-21 which requires political parties to choose their electors at a convention. An Attorney General's Opinion issued May 23, 1980 to the Lieutenant Governor of Hawaii ruled that all groups nominating candidates pursuant to H.R.S. §11-113(b)(2) would be deemed political parties solely for purposes of choosing electors. Consequently, the Hawaii John Anderson for President Committee held a convention on August 14 at which four electors and first and second alternates were selected. The names of the electors were then certified by the Chairman and Secretary of the convention to the Lieutenant Governor. The electors' names will not appear on the ballot, however. John B. Anderson will appear on the Hawaii general election ballot as an independent and not as the candidate of the convention which chose the electors.

* * * *

As you note in your request, no provision of the Fund Act directly provides for public funding for independent candidates. Rather, as the court of appeals observed in Buckley v. Valeo, 519 F.2d 821, 887 (D.C. Cir. 1975), the statute speaks only of providing funding to candidates of "political parties" - major, minor or new.3/ The nature and extent of a candidate's entitlement to public funds turns largely on the performance of the candidate's party in the preceding presidential election. The presidential candidate of a "major party", defined as a party whose presidential candidate received twenty-five percent or more of the popular vote in the preceding election, is entitled to receive public funds prior to the general election to defray all of his campaign expenses. See 26 U.S.C. §§9002(6), 9004(a)(1). The candidate of a "minor party", defined as a party whose presidential candidate received between five percent and twenty-five percent of the popular vote in the preceding presidential election, is entitled to receive public funds prior to the general election in a proportionally lesser amount than the major party candidates depending upon the popular vote his party's candidate received in preceding election. See 26 U.S.C. §§9002(7), 9004(a)(2)(A). The candidate of a "new party", defined as party which is neither a major party nor a minor party, is entitled to receive post-election public funding in an amount proportionate to the number of popular votes he receives but only if the candidate receives five percent or more of the total popular vote cast for the office of President. See 26 U.S.C. §§9002(8), 9004(a)(3).

Despite its consistent reference to candidates of "political parties", the Fund Act contains no separate definition of the term "political party". However, section 9002.15 of the Commission's regulations4/ defines the term "political party" to mean:

> an association, committee, or organization which nominates or selects an individual for election to any Federal office, including the office of President or Vice President of the United States, whose name appears on the general election ballot as the candidate of such association, committee or organization.

The issue raised by your request is, therefore, whether the organizations supporting Mr. Anderson fall within the meaning of a political party for the purposes of the Fund Act.

The definition of a political party adopted by the Commission in 11 CFR 9002.15 breaks down into three essential components: (1) an association, committee, or organization (2) which nominates or selects an individual for election to Federal office, including the office of President or Vice President of the United States, (3) whose name appears on the general election ballot as the candidate of such association, committee or organization.

With respect to the first component, the National Unity Campaign is the principal campaign committee of Mr. Anderson and conducts a wide range of activities involving numerous paid staff members and volunteers in virtually every state. As such, the National Unity Campaign clearly constitutes an "association, committee, or organization" under 11 CFR 9002.15. Similarly, state organizations such as the Anderson Coalition Party, the Independents for Anderson Party of North Carolina, the Anderson Party of Delaware, the Anderson Coalition and the Unity Coalition Party each constitute an "association, committee, or organization" for the purposes of 11 CFR 9002.15.

The regulation does not require that a political party be organized in a particular manner, that it refer to itself as a "party", or that it have existed or intend to exist for a stated period of time. The only specific activity which the regulation requires a political party to engage in is set forth in the second component, namely, that it nominate or select an individual for election to any Federal office, including the office of President or Vice President of the United States. The terms "nominate" and "select" are not defined in the Fund Act, the Presidential Primary Matching Payment Account Act (26 U.S.C. §§9032-9042), the Federal Election Campaign Act (2 U.S.C. §§431-455), or in the regulations promulgated thereunder. While the two major parties, as well as several minor parties, engage in complex nominating procedures involving primary elections and national conventions, the Fund Act does not require that any political party - major, minor or new - utilize such procedures.5/ Rather, the definition of the term "candidate" as set forth in 26 U.S.C. §9002(2) indicates that the Fund Act intended to accommodate the wide range of procedures prescribed by the laws of the various states regulating ballot access:

> The term "candidate" means with respect to any presidential election, an individual who-
>
> (A) has been nominated for election to the office of President of the United States or the office of Vice President of the United States by a major party, or
>
> (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States.... (emphasis added)

The Commission notes that the requirements for gaining access to the general election ballot vary considerably from state to state. Non-major party convention nominations are recognized in but a few states; generally the petition process is the only method available. See Ballot Access, sponsored by Clearinghouse on Election Administration, Federal Election Commission (August, 1978) pp. 66-75. Thus, the terms "nominate" or "select" mean, for the purpose of 11 CFR 9002.15, complying with the procedures and satisfying the requirements of state law to qualify a candidate for the ballot in that State.

With respect to the National Unity Campaign for John Anderson, the Commission notes that one of its major activities and purposes is to place Mr. Anderson's name on the general election ballot in every State and the District of Columbia. The National Unity Campaign has conducted successful petition drives in several states to qualify Mr. Anderson for the ballot and is actively pursuing ballot access for Mr. Anderson in many other states. The Commission therefore concludes that the National Unity Campaign has met the requirement of "nominating" or "selecting" Mr. Anderson as a candidate for President of the United States. The Anderson Coalition Party, in accordance with Michigan law, circulated petitions, held county caucuses to elect delegates to its state convention who in turn selected Mr. Anderson as their presidential nominee, qualified itself for the August 5 primary election, and received sufficient votes in the primary to achieve a ballot position for Mr. Anderson in the 1980 general election. Thus, the Anderson Coalition Party has met the requirement of "nominating" or "selecting" Mr. Anderson as its candidate for President of the United States. By virtue of complying with similar procedures in the States of North Carolina and Delaware, the Independents for Anderson Party of North Carolina and the Anderson Party of Delaware have satisfied the requirement of "nominating" or "selecting" Mr. Anderson as their candidate for President of the United States. Similarly such organizations as the Anderson Coalition and the Unity Coalition Party, by engaging in successful petition drives, have "nominated" or "selected" Mr. Anderson as their presidential candidate.

The next question, therefore, is whether the third component of §9002.15 has been satisfied, i.e., whether Mr. Anderson's name "appears on the general election ballot as the candidate of such association, committee, or organization." The Commission notes that Mr. Anderson will appear on the ballot as the candidate of the Anderson Coalition Party in the November 1980 general election in Michigan. In North Carolina, pursuant to the permanent injunction issued by Federal District Court Judge Dupree of the Eastern District of North Carolina on August 20, 1980, Mr. Anderson will appear on the November ballot as the presidential nominee of the Independents for Anderson Party of North Carolina.6/ In New York and Connecticut, Mr. Anderson appears on the ballot as the candidate of the Unity Coalition Party and the Anderson Coalition, respectively. With respect to these states, Mr. Anderson certainly "appears on the general election ballot as the candidate of" these organizations. In Advisory Opinion 1980-3, the Commission held that the Citizens' Party would attain political party status under the Federal Election Campaign Act7/ upon receipt of verification from the appropriate State election official that the name of a Citizens' Party candidate for Federal office will appear on that State's ballot as the candidate of the Citizens' Party.8/ Therefore, the Commission concludes that upon receipt of verification from the appropriate State election officials that the name of a Federal candidate, including Mr. Anderson, will appear on those States' ballots as the candidate of the Anderson Coalition Party, the Independents for Anderson Party of North Carolina, the Anderson Party of Delaware, the Anderson Coalition, the Unity Coalition Party, or of any other organization meeting the requirements of 11 CFR 9002.15 as discussed above, then these organizations will attain political party status under the Fund Act.

The remaining issue, then, is whether Mr. Anderson is a "candidate" for purposes of the Fund Act. As noted above, §9002(2) provides that the term "candidate" means, as relevant herein, an individual who -

> (B) has qualified to have his name on the election ballot (or to have the names of electors pledged to him on the election ballot) as the candidate of a political party for election to either such office in 10 or more States.

Subsequent to its ruling regarding the Citizens' Party's status as a political party9/, the Commission held in Advisory Opinion 1980-56 that if the Citizens' Party candidate for President of the United States receives 5% or more of the total number of votes cast for the Office of President in the 1980 election, he may be entitled to payment under 26 U.S.C. §9006 if otherwise eligible pursuant to Chapter 95 of Title 26. The Commission further concluded that the appropriate payment under §9006 would be computed by totalling all of the popular votes received by a new party candidate in the 1980 presidential election, including those votes cast for the candidate whose name appears on a state ballot as an independent candidate, rather than as the candidate of a political party. See also 26 U.S.C. §9004(a)(3). At the time of its ruling in Advisory Opinion 1980-56, the Commission had received verification that the presidential candidate of the Citizens' Party was on the ballot as the candidate of the Citizens' Party in one state.10/ Therefore, the Commission concludes that Mr. Anderson is a "candidate" under the Fund Act so long as he has, as you state in your request, qualified to be on the ballot in 10 or more States.

The foregoing construction of the "10 state" requirement of 26 U.S.C. §9002(2)(B) is consonant with the overall purpose of this provision. In Buckely v. Valeo, 424 U.S. 1, 104, fn. 140, the Supreme Court upheld the 10 state requirement, noting that:

> Success in Presidential elections depends on winning electoral votes in States, not solely popular votes, and the requirement is plainly not unreasonable in light of that fact.

Thus, the 10 state requirement advances the governmental interest in affording public financing only to those candidates who, by virtue of the breadth of their support, enjoyed at least the theoretical possibility of capturing a large number of votes in the electoral college.

Indeed, the legislative history reflects that Congress' concern focused primarily on how well a candidate performed in the general election, rather than on under what label a candidate appeared on the ballot in a given number of states. At several points in the floor debates, members of the Senate stated that the Fund Act would provide Federal subsidies to minor or new party candidates who receive 5 percent or more of the total popular vote cast for President without regard to whether the candidate ran under one label or under several labels. The issue of candidates who appear on state ballots under more than one label arose on several occasions with respect to Governor George Wallace, who appeared on various state ballots as an independent or as the candidate of eight different parties and captured nearly 14 percent of the vote in the 1968 presidential election. As Senator Pastore explained:

> The Senator from Alabama raised the question about the minority candidate. He mentioned the name of Wallace, but it could be any minority party that runs as a candidate for presidency under two or different party labels. In allocating whatever he may be entitled to if he comes under the provisions of this law, it ought to be predicated on the total vote of the individual candidate.

117 Cong. Rec. S18934 (daily ed. Nov. 18, 1971). See also 117 Cong. Rec. S18882-3 (daily ed. Nov. 17, 1971) colloquy between Senators Allen and Pastore); 120 Cong. Rec. S5847 (daily ed. April 11, 1974) (remarks of Senator Kennedy).

The Commission therefore concludes that Mr. Anderson would not be excluded from receiving post-election public funds as a candidate of a new party pursuant to 26 U.S.C. §9004(a)(3) if he receives 5 percent or more of the total popular votes cast for President in the 1980 general election, including votes cast for him in states where he appears on the ballot as a candidate of a political party as well as in states where he appears on the ballot as an independent candidate. However, the Commission expressly conditions its opinion on Mr. Anderson satisfying all other eligibility requirements set forth in the Fund Act. Therefore, the Commission need not reach the issue of whether the National Unity Campaign is, as you suggest, the "functional equivalent of a political party" for purposes of the Fund Act. Nor does the Commission decide whether the National Unity Campaign or any of the other organizations which have nominated Mr. Anderson constitute a "national committee of a political party" pursuant to 2 U.S.C. §431(14).11/

This response constitutes an advisory opinion concerning application of the Presidential Election Campaign Fund Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. §437f.

Dated: September 4, 1980.

Commissioner Reiche voted to approve the issuance of this opinion but will file a separate concurring opinion at a later date. Vice Chairman McGarry voted against approval of this opinion and will submit his dissenting opinion at a later date.

1/ The Commission notes that you have not formulated precisely the question to which you seek an answer. Your original request was comprised of the papers filed in support of the application for a preliminary injunction in Anderson v. Federal Election Commission, Civil Action No. 80-1911 (D.D.C.). The Commission deems all information provided in that suit, in particular plaintiff's answers to interrogatories dated August 21, 1980, to be relevant to your request.

2/ The Commission notes that the Citizens' Party and the Libertarian Party also received sufficient votes in the August 5 Michigan primary to qualify their Presidential candidates for the ballot in the November general election in Michigan.

3/ See 26 U.S.C. §§9002(2), (4), (6), (7), (8), (11)(12); 9003; 9004; 9005(a); 9006(b), (c); 9007; 9012.

4/ On June 11, 1980, the Commission adopted amendments to the regulations under the Fund Act and transmitted these amendments to Congress on June 13, 1980. On August 26, 1980, the 30 day legislative review period expired. See 26 U.S.C. §9009(c).

5/ At no point in previous advisory opinions has the Commission undertaken to specify any procedure which a political party must follow in order to satisfy the requirement of "nominating" or "selecting" a candidate. See Advisory Opinions 1980-3 [¶5463], 1980-56 [¶5506], 1976-95 [¶5232], 1975-129 [¶5192] (see discussion of these opinions infra).

6/ Mr. Anderson's appearance on the Delaware ballot is contingent upon the Anderson Party of Delaware certifying its nomination of Mr. Anderson by September 1, 1980.

7/ 2 U.S.C. §431(16) defines the term political party as "an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization." See also 11 CFR 100.15. In adopting the definition of "political party" for purposes of Title 26, the Commission stated:

> §9002.15 Political Party
>
> While the term "political party" is not defined in Title 26, it is used throughout that Title. To make clear that this term has the same meaning as under Title 2 the Title 2 definition has been added here. Thus, this definition follows 2 U.S.C. §431(16). (emphasis added).

See Explanation and Justification of Regulations, 45 Fed. Reg. 43373 (June 27, 1980).

8/ On April 11, 1980, the Commission received verification from the Kentucky State Board of Elections that candidates of the Citizens' Party would appear on the general election ballot in that state as candidates of the Citizens' Party.

9/ See discussion supra regarding Advisory Opinion 1980-3.

10/ See discussion supra at footnote 8.

11/ Whether or not an organization is the "national committee of a political party" involves considerations wholly distinct from the requirements for "political party" status. An organization wishing to avail itself of those provisions of Title 2 regarding national committees must demonstrate that it operates at the national level by nominating candidates for Federal office in numerous states; engaging in such activities on an on-going basis, rather than with respect to a particular election, as supporting voter registration and get-out-the-vote drives, providing speakers, organizing volunteer workers, and publicizing issues of importance to the party and its adherents throughout the United States. See Advisory Opinions 1980-3, 1978-58 [¶5346], 1976-95, 1975-129, copies enclosed.

Concurring Opinion

of Commissioner Robert O. Tiernan

to Advisory Opinion 1980-96

The Federal Election Commission is not a legislative seamstress. It does not have the power to mend statutory loopholes; nor has it been given the authority to weave new provisions into the law. The FEC can only take the law, as set forth in the statute and amplified in Commission regulations, and apply it to a specific set of facts set forth in an advisory opinion request.

The issue before the FEC in Advisory Opinion Request 1980-96 is not whether Chapter 95 of Title 26 of the United States Code can be expanded by the Commission to permit post-election public financing of the presidential campaign of an "independent" candidate in order to avoid the constitutional snags implied by both the Court of Appeals and the Supreme Court in Buckley v. Valeo. The issue is whether under the facts presented by the National Unity Campaign for John Anderson, Representative Anderson would be eligible for post-election public financing as the presidential candidate of a "new party" under 26 U.S.C. §9004(a)(3), if he receives 5 percent or more of the total number of popular votes cast for the office of President in the 1980 election.

The advisory opinion request submitted, along with the attached papers which were filed in a separate action in Federal District Court, do not make the task of matching the extant law with the specific factual situation easy. However, under the factual representations made by the requestor with regard to the manner in which the candidate has, and is, actually conducting the presidential campaign, I have concluded that John Anderson's campaign organization has qualified as a "political party" under §9002.15 of FEC proposed regulations (awaiting promulgation in the Federal Register), and is, therefore, a "new party" under the Act as defined by §9002.8 of these same regulations.

In reaching such a conclusion, I want to expressly state that this opinion responds to a single issue, the status of the National Unity Campaign as a "political party" and a "new party" under the Act and FEC regulations for the purpose of 26 U.S.C. §9004.(a)(3). Other collateral issues which may be implied from the papers submitted with this request have not been directly asked by the requestor, have not been addressed by the FEC staff draft, and have not been answered here by the Commission.

Dated: September 4, 1980.

Dissenting Opinion

of Vice-Chairman John Warren McGarry

to Advisory Opinion 1980-96

My dissent in the 5-1 vote for Advisory Opinion 1980-96 was based on the fact that the opinion does not answer the question presented. The real issue in this entire matter is:

> "Is John Anderson, Independent candidate for President of the United States, eligible as an independent for post-election public funding."

[I say Yes, for reasons cited below)

The Federal Election Commission, in this opinion, erroneously states:

> "The issue raised by your request is, therefore, whether the organizations supporting Mr. Anderson fall within the meaning of a political party for the purposes of the Fund Act."

The Advisory Opinion Request resulted from Mr. Anderson's initial attempt to get relief in the Federal Court (Anderson, et al. v. FEC, C.A. No. 80-1911 [D.D.C., filed July 31, 1980]) wherein the Court suggested application for an advisory opinion from the Federal Election Commission. Accordingly, Mr. Anderson wrote to the Federal Election Commission on August 11, 1980, requesting that the Federal Election Commission treat the Court pleadings in the above-entitled case as a request for an advisory opinion.

That entire court record unequivocally spells out the question presented and is best summed up in Mr. Anderson's answer to an interrogatory in which he stated:

> "...(T)he main issue in this action ...(is) the question of whether the Act should be construed to cover an independent candidate like plaintiff Anderson ..."
>
> (Plaintiff's Answers to Interrogatories, p. 17)

By failing to respond to the real question which relates to Mr. Anderson's true status as an independent candidate for President, the Federal Election Commission, in this advisory opinion, compels Mr. Anderson to engage in the same fiction he utilized for ballot access in states where he was denied independent status. In those states, Mr. Anderson resorted to the mechanism of party apparatus solely in order to get on the ballot as a candidate for President in the next general election. Wherever possible, he appears on the state ballot as an independent candidate.

The Federal Election Commission, in this opinion, compounds the wrong by casting John B. Anderson as a partisan candidate contrary to an overwhelming record beginning with his public announcement as an independent candidate on April 24, 1980 and further reinforced by the Court record cited above.

This advisory opinion does exactly what the U.S. Court of Appeals for the District of Columbia Circuit in Buckley v. Valeo, 591 F2d 821 (D.C. Cir. 1975) cautioned the Federal Election Commission against. In their decision the Court stated:

> "If these provisions would in fact operate to prevent independents from obtaining public funding, no matter what their showing, or if they would require that independents go to the trouble of creating elaborate party machinery in order to obtain public funding when they would raise serious constitutional questions. See Storer v. Brown, supra, 415 U.S. at 745-746, 94 S. Ct. 1274. But the statute does not command that interpretation."
>
> (at p.887)

In conclusion, I maintain the Fund Act allows post-election public funding of independent candidates for President of the United States who meet all the other requisite conditions. My analysis of the entire legislative and judicial history of the Presidential Fund Act, (26 U.S.C. §9003 et seq.) is that it opens the process to not only minor and new parties (beyond the major parties) but to independent candidates as well. 117 Cong.Rec. 41765-8(1971) (remarks of Senators Cannon and Pastore) See Also Greenberg v. Bolger, No. 80-0340, Slip Op. at 65, (E.D.N.Y. June 20, 1980). It should be noted that no independent candidate would get one penny of public funds until after the general election and only then if he/she gets 5% of the popular vote. If the popular support is there, then post-election public funding, in my opinion, is warranted.

Dated: September 4, 1980.

CONCURRING OPINION OF COMMISSIONER FRANK P. REICHE

TO ADVISORY OPINION 1980-96

As I noted recently during the Commission's deliberations on Advisory 1980-96, I agree with the action recommended by the Commission's Office of General Counsel which has the effect of sanctioning the post-election payment of public funds to independent

candidate John B. Anderson, provided that he complies with the requirements of the Federal Election Campaign Act and the Commission's established certification procedures, and provided further, that he obtains at least 5% of the popular vote in the General Election to be held on November 4, 1980. While I agree with this recommendation, I believe that the rationale for this decision, as announced by the Commission on September 4, 1980, i.e., that John B. Anderson's campaign activity constitutes his organization a "new party" under the public funding sections of the Federal Election Campaign Act, is erroneous and will inevitably generate a series of related, complex problems, the answers to which would, in my opinion, be based upon false premises if the factual recitation in the Commission's advisory opinion remained unchallenged. These are issues which we should not answer until Congress speaks with clarity on matters affecting independent candidates.

The new problems to which I refer include characterizing the Anderson effort as a "new party" for purposes of applying Section 441a(a) which governs party contribution limits and for purposes of applying Section 441a(d) which governs party expenditure limits. Still another question involves the potential characterization of the Anderson organization as a "national committee of a political party" pursuant to U.S. Section 431(14).

More disturbing to me is the Advisory Opinion's steadfast refusal to take cognizance of the true facts of the case and to acknowledge the Anderson campaign for what it is and claims to be, namely, a campaign dedicated to the election of an independent candidate as President--a collective effort admittedly devoid of any interest in the formation of a new political party. This is the basis upon which the Anderson campaign presented itself to the Commission. I found the frank admission by Mr. Anderson that his was strictly the campaign of an independent candidate refreshingly candid, even though such independent candidacy might prove harmful in obtaining a future ruling from the Commission on public funding. The subsequent shift in strategy by the Anderson campaign and the request that such campaign be classified as a "new party" for purposes of the Federal Election Campaign Act do not alter the basic nature of the campaign. Neither do the specific activities of Anderson agents in various States where it became necessary to identify as a party in order to gain ballot access.

Thus, I believe that the issue facing the Commission is not whether the Anderson organization should be considered a "party" under the statute and thus become eligible for post-election public funding as a "new party", but rather, whether or not an independent candidate can qualify for public funding under the Act. While the public funding sections of the Act do not contain a definition of "political party", another section of the Act, specifically Section 431(16), defines the term "political party" as "...an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization". Certainly the Anderson campaign meets this definition.

While legislative history must be used sparingly, there is evidence in the statements of Senators Pastore, Cannon and Kennedy of Congressional concern for and interest in making public funding available to independent Presidential candidates. These statements are quite sparse and do not, in and of themselves, provide sufficient support for concluding that Congress intended to include independent candidates within the public funding sections of the Federal Election Campaign Act. They do, however, support the conclusion that Congress was aware of the problem and intended to deal with it by this legislation.

The most persuasive evidence, however, suggesting that independent candidates can qualify for public funding under the Act is found in court decisions. I refer specifically to the U.S. Supreme Court opinion in the Storer v. Brown, 415 U.S. 724 (1974) and to the U.S. Circuit Court's opinion in Buckely v. Valeo, 519 F.2d 821 (1975) in the latter of which the Court therein stated with respect to the post-election public funding for minor and new parties that: "If these provisions would in fact operate to prevent independents from obtaining public funding, no matter what their showing, or if they would require that independents go to the trouble of creating election party machinery in order to obtain public funding, then they would raise serious constitutional questions. See Storer v. Brown, supra at 745-746. But the statute does not command that interpretation. The term "political party" is not defined in the public financing provisions. There is thus ample room for the Commission or the officials in charge of disbursing funds to find that even informal committees formed to support independent

candidates for President constitute political parties for the purposes of Chapter 95." While the U.S. Supreme Court, in its subsequent decision on this matter, specifically declined to rule on this issue, its reference to this statement of the Circuit Court regarding public funding for independent candidates without expressing any disapproval thereof, lends credibility to the theory that the Commission could, had it so chosen, have ruled favorably upon the Anderson campaign's request that independent candidates be deemed eligible for post-election public funding. Indeed, this is the position which I believe the Commission should have taken and it is for this reason that I file my concurring opinion approving of the final result, but disapproving of the grounds therefor.

Furthermore, equity demands that independent candidates whose candidacies may be based in part upon a desire to disassociate themselves from established political parties be treated fairly for public funding purposes with other candidates, particularly those of minor or new parties. These independent candidates should not be required to cloak themselves with the appearance of political party formality, but should instead be free to pursue their goals without such political trappings. Public funding for their activities should depend upon the public support which they command at the polls, not some outward appearance of party organization. It is my firm belief that any U.S. court considering the constitutionality of the public funding sections of the Federal Election Campaign Act would strike down said provisions as a denial of the equal protection of the laws if the Commission refused to rule that John B. Anderson or other independent candidates could qualify for public funding under the Act.

Dated: September 12, 1980.

[¶5536] AO 1980-51: Bank Employee as Treasurer of Political Committee

[An employee of a national bank may serve as treasurer of a campaign committee so long as it does not take up too much of his time as a bank employee. Answer to Virgil H. Moore, Jr., President, First Farmers and Merchants National Bank of Columbia, Columbia, Tennessee.]

This responds to your letter of April 25, 1980, and your supplemental letter of August 5, 1980 requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to services rendered by an employee of First Farmers and Merchants National Bank ("the bank") on behalf of a political campaign organization.

Your April 25 letter states that various political organizations, clubs, and/or groups maintain deposit accounts in the bank. An employee of the bank has been requested by a political campaign organization to act as treasurer for the organization. Your August 5 letter states that the duties of the treasurer involve the acceptance of donations in the form of cash and checks for deposit into a demand account at the bank in the name of the political organization. In addition, the treasurer would have the responsibility of writing checks on the account to pay campaign expenses; reconciling the bank account and making the required accounting reports to executives of the campaign organization.

Your August 5 letter explains that the bank employee serving as treasurer of the political organization will devote approximately one hour of bank time each week for a ten week period for routine accounting and bookkeeping responsibilities in handling the campaign fund account. You add that the political organization will have newspaper advertisements regarding the candidate's campaign with the notation that the advertisement has been paid for by "John Banker, [actual name will be used], Treasurer of ... Campaign Fund.". You estimate that approximately twelve times during the ten week period the treasurer bank employee will sign these newspaper advertisements. He will also be identified accordingly as "treasurer" for radio spot announcements broadcast during the campaign.

Under these circumstances, you ask whether the bank by permitting the employee, upon his request, to engage in such activity, is in violation of the Act or Commission regulations.

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THE WHITE HOUSE

WASHINGTON

August 17, 1984

MEMORANDUM FOR THE ATTORNEY GENERAL
EDWIN MEESE III
JAMES A. BAKER, III
DEPUTY ATTORNEY GENERAL CAROL E. DINKINS
JOHN S. HERRINGTON
D. LOWELL JENSEN
TEX LEZAR
M.B. OGLESBY
MARGARET TUTWILER

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

Based on the attached I think we should review Chief Justice Erickson further in regard to the Tenth Circuit.

Supreme Court
STATE OF COLORADO
STATE JUDICIAL BUILDING
2 EAST FOURTEENTH AVENUE
DENVER, COLORADO 80203
(303) 861-1317

WILLIAM H. ERICKSON
CHIEF JUSTICE

August 9, 1984

Ronald A. Jacks, Esq.
Isham, Lincoln & Beale
Three First National Plaza
Chicago, Illinois 60602

Dear Ron:

In accordance with your request, I am providing you with a copy of our summary of Supreme Court decisions for this year. I have written the summary for approximately fifteen years and last year concluded that I would join with a Justice on our Court who helped me prepare the Search and Seizure Bench Book for trial judges. We intend to publish a text on criminal law. I wrote the summary this year with the assistance of some law clerks and law students.

As I informed you, more than ten years ago Yale Kamisar of Michigan Law School and I debated whether the exclusionary rule was constitutionally required by the Fourth Amendment. Our debate was nationally televised from Harvard University. I have long taken the position that the exclusionary rule is not required by the Fourth Amendment and the opinions which I have written, which have sometimes been criticized in the Fourth Amendment area, have been strict constructionist opinions based upon the enunciated Supreme Court opinions. See Pronouncements 1983-1984, New Exceptions to the Exclusionary Rule, at 51. The opinion in Sporleder is attached hereto and outlines the dissents that I have offered to expansions of the exclusionary rule. In my mind, the truth-finding process should not be deflected by the suppression of reliable evidence.

During the meeting in Chicago, Sharp Whitmore and I were able to convince the American Bar Foundation that it ought to immediately commence a study of punitive damages. My interest in requiring some change in the subject was based partly upon my dissent in the Robins case which is included in the enclosed material.

Monday I will speak to the National District Attorneys Association at their annual meeting in San Diego and my summary of the decisions of the United States Supreme Court will be published as a special edition of The Prosecutor and distributed to every district attorney in the United States.

It was a pleasure being with you in Chicago and I look forward to a successful argument on the issues that we pursued so diligently in Chicago at the mid-year meeting in Detroit.

All best regards,

Sincerely yours,

William H. Erickson

WHE:ps

THE WHITE HOUSE

WASHINGTON

August 2, 1984

MEMORANDUM FOR EDWIN MEESE, III
JAMES A. BAKER, III
LARRY M. SPEAKES

FROM: FRED F. FIELDING

SUBJECT: Geier v. Alexander

The attached is for your information. It has been provided by the Department of Justice and they will handle the press response for it.

Attachment

Background on GEIER v. ALEXANDER
(Tennessee Higher Education Desegregation Case)

Event: On Thursday, August 2, the Department of Justice will argue before a federal district court in Tennessee that the court should not adopt a settlement agreement entered into by the other parties in a higher education desegregation case. The United States is the only party in the case that has objected to the settlement agreement and the district court judge has strongly indicated that he will enter the agreement over our objections. Civil rights groups may criticize us for this.

I. Facts: A class of black plaintiffs (represented by, among others, the NAACP Legal Defense Fund), a class of white professors at Tennessee State University, and the State of Tennessee have entered into a settlement agreement, or "consent decree," to resolve the latest chapter in drawn-out litigation designed to remedy prior de jure segregation in public colleges and universities in Tennessee. Tennessee's higher education system has been operating under a court-ordered desegregation plan for a number of years. In recent years, the black plaintiffs have requested further relief from the court, arguing that the existing desegregation plan has not resulted in a sufficient degree of integration.

To resolve this claim, the black plaintiffs and Tennessee have entered into this consent decree, which they will ask the district court to approve on Thursday. If approved by the court, Tennessee will be legally obligated to carry out all the requirements of the decree. The decree requires the state to erect racial "goals" for faculty hiring and student enrollment, both graduate and undergraduate, as well as a number of other racial preferences. */ If, as seems likely, the court approves the decree over our objection we will consider an appeal. [According to unverified information we have received, the National Urban League has recently expressed an interest in the case and the United States' position may be criticized at their current convention.]

II. Position of the U.S.: The United States will object to, and the court should not approve, the consent decree in its present form because it requires the use of admissions, hiring, and other racial preferences in violation of the Constitution. Some of the preferences to be established are the same type as those struck down by the Supreme Court in the famous case of Bakke v. University of California Regents.

*/ One provision contemplates the development of scholarship programs limited to members of a certain race, and another provision requires the State to provide 75 black college students per year with special tutoring, scholarships, etc., to encourage their enrollment in professional schools.

III. Relationship to Administration Philosophy: The Administration has consistently stressed that the Constitution requires all governmental entities to behave in a "color-blind" manner and not to prefer any person who is not a victim of racial discrimination over another on the basis of race. Governments therefore cannot remedy prior discrimination against one racial group by discriminating against another through racial quotas. This is the essential lesson of the Supreme Court's decision in Bakke and other equal protection cases.

IV. Anticipated criticism and planned Department of Justice Response

Criticism: The Reagan Administration is attempting to foil a comprehensive desegregation plan agreed to by all the other parties in the case.

Response: The United States will not be a party to -- indeed, will vigorously oppose -- any desegregation plan which requires a state government to violate the constitutional rights of innocent students, regardless of whether the state has agreed to take such action. More discrimination is simply not the way to end discrimination. We will be happy to make every effort to work with the state and other parties to develop an effective desegregation plan that does not include racial preferences, as we have in other statewide higher education cases (Louisiana, North Carolina).

V. Talking Points

- The United States fully supports efforts to end unconstitutional segregation in Tennessee's higher education system and will work with the parties to accomplish this goal.
- It will not, however, be a party to any plan which requires quotas and other racial preferences.
- The United States will continue to oppose racial discrimination, no matter what form it takes.

VACANCIES

AUG 2 7 1984

UNITED STATES ATTORNEYS - LOG

DISTRICT	SPONSOR	CANDIDATE	MEMO TO ASSO.AG	PRE-FBI TO WH	FBI STARTED	PRE-NOM INTERVIEW	NOM TO WH	NOM TO SEN	REMARKS
Guam/ N. Marianas									Vac. I.T.E. 11/02/81 Candidate Withdrawn 09/22/83
Kansas	Senators Bob Dole & Nancy Kassebaum	Janet A. Chubb	02/08/84	02/16/84	3/26/84				Vacancy 01/26/84
W.D. Texas	Sen Tower	Helen M. Eversberg	03/16/84	3/21/84	04/17/84	6/5/84	7/19/84	7/27/84	
Idaho									Vacancy 06/01/84

UNITED STATES ATTORNEYS APPOINTED BY PRESIDENT REAGAN

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY
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, C.	Robert C. Bonner	02/27/84	02/28/84	03/23/84
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
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.	John D. Tinder	06/15/84	06/15/84	08/08/84
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
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

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY
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, N.	Layn R. Phillips	06/15/84	06/15/84	
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

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY
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
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

August 24, 1984

RECOMMENDATIONS RECEIVED FOR APPOINTMENT
UNITED STATES MARSHAL LOG

DISTRICT	SPONSOR	CANDIDATE	MEMO TO ASSOCIATE AG	FBI STARTED	PRE-NOM INTERVIEW	NOM TO WH	NOM TO SENATE	REMARKS
Alaska	Stevens	Robert D. Olson	4/7/81	5/12/81	9/11/81	9/23/81	10/7/81	Vacancy, Nom. returned by 97th Session
	Stevens Murkowski	Marcie G. Trump	4/1/83	5/5/83	(w/d from consideration)			
Calif., N.	Hayakawa	Margaret D. Richards	12/21/81	1/12/82	6/2/82	6/4/82		Term Expired
Calif., S.	Hayakawa	James R. Laffoon	3/30/84	5/22/84				ITE. 5/11/84. Approved for retention until end of term
D.C.	Warner	Raymond Eluhow						Vacancy
	Warner	James H. Jones						
	Holt	Harry J. Cottman						
	Benedict	Ronald M. Banta						
	Richards	Walter I. Johnson						
	Laxalt	James O. Golden	2/22/82	3/10/82	6/11/82	6/16/82	7/1/82	Conf:7/27/82 Aptd:7/28/82 EOD: 8/2/82 Removed:8/17/82
Illinois, N.	Percy	Peter J. Wilkes	11/1/82					Term Expired
Illinois, S.								Vacancy effective 8/10/84
Louisiana, E.		James R. Bland	11/8/83	(w/d from consideration)				Term Expired
Louisiana, W.	Livingston	W. Lloyd Grafton		(w/d from consideration)				ITE 9/22/84
Maryland	No Recommendation							ITE 5/8/84
Puerto Rico	Ferre	Masini-Soler	5/24/84	6/15/84				Term Expired
Texas, E.	Tower	James Barton (Incumbent)						Approved for retention until 1983.

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY	
Alabama, N.	Thomas C. Greene	10/7/81	10/8/81	10/15/81	
Alabama, M.	Melvin E. Jones	10/7/81	10/8/81	10/23/81	
Alabama, S.	Howard V. Adair	12/3/81	12/5/81	12/9/81	
Alaska					
Arizona	John W. Roberts	12/9/81	12/10/81	12/14/81	
Arkansas, E.	Charles E. Gray	3/31/82	4/1/82	4/30/82	
Arkansas, W.	James C. Patterson	2/23/83	2/24/83	3/8/83	
California, N.					
California, E.	Arthur Van Court	9/29/30	9/30/82	10/18/82	
California, S.					
California, C.	Julio Gonzales	7/27/82	7/28/82	8/11/82	
Colorado	Charles L. Dunahue	8/18/82	8/18/82	8/27/82	
Connecticut	P.A. Mangini	10/21/81	10/26/81	11/16/81	
Delaware	O. Evans Denney	6/26/81	6/30/81	7/12/81	
District of Columbia					
Florida, M.	Richard L. Cox	3/4/82	3/9/82	3/15/82	
Florida, N.	W. L. McLendon	12/9/81	12/10/81	1/8/82	
Florida, S.	Daniel J. Horgan	11/9/83	11/14/83	11/21/83	
Georgia, N.	Lynn H. Duncan	10/7/81	10/8/81	11/2/81	
Georgia, M.	John W. Stokes	3/27/84	3/28/84	4/16/84	
Georgia, S.	M. Clifton Nettles	3/4/82	3/9/82	3/15/82	
Guam	Edward M. Camacho	9/15/82	9/15/82	9/22/82	
Hawaii	Faith P. Evans	8/5/82	8/6/82	8/12/82	
Idaho	Blaine Skinner	11/10/81	11/12/81	12/3/81	
Illinois, N.					
Illinois, C.	James L. Fyke	4/21/82	4/22/82	5/10/82	
Illinois, S.	Nettles, William J.	3/4/82	3/9/82	4/2/82	(Resigned effective 8/10/82)
Indiana, N.	J. Jerome Perkins	11/18/81	11/18/81	12/11/81	
Indiana, S.	Ralph D. Morgan	10/7/81	10/8/81	10/30/81	
Iowa, N.	James P. Jonker	12/9/81	12/10/81	12/28/81	
Iowa, S.	Warren Stump	12/9/81	12/10/81	2/1/82	
Kansas	Kenneth L. Pekarek	12/9/81	12/10/81	12/14/81	
Kentucky, E.	Charles Pennington	11/10/81	11/12/81	12/7/81	
Kentucky, W.	Ralph Boling	10/21/81	10/26/81	11/8/81	
Louisiana, E.					
Louisiana, M.	James L. Meyers	12/3/81	12/5/81	12/30/81	
Louisiana, W.					

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY
Maine	Emery R. Jordan	10/1/81	10/2/81	10/8/81
Maryland				
Massachusetts	James B. Roche	9/20/83	9/29/83	9/30/83
Michigan, E.	Anthony Bertoni	12/10/82	12/10/82	1/6/83
Michigan, W.	John R. Kendall	12/9/81	12/10/81	12/15/81
Minnesota	Robert Pavlak	12/9/81	12/10/81	12/14/81
Mississippi, N.	Dwight G. Williams	12/10/82	12/10/82	12/26/82
Mississippi, S.	Marvin E. Breazeale	5/12/82	5/13/82	5/21/82
Missouri, E.	William S. Vaughn	12/3/81	12/5/81	12/22/81
Missouri, W.	Lee Koury	12/9/81	12/10/81	12/14/81
Montana	Ronald J. Alles	2/23/83	2/24/83	3/18/83
Nebraska	Thomas A. O'Hara, Jr.	2/8/82	2/22/82	3/1/82
Nevada	Denny Sampson	11/18/81	11/18/81	11/29/81
New Hampshire	Ronald D. Daniels, Jr.	11/24/81	12/1/81	12/2/81
New Jersey	Eugene G. Liss	3/4/82	3/9/82	5/6/82
New Mexico	Rudolph G. Miller	3/4/82	3/9/82	3/12/82
New York, N.	Francis K. Peo	6/18/82	7/28/82	7/28/82
New York, E.	Charles E. Healey	12/10/82	12/10/82	12/27/82
New York, S.	Romolo Imundi	12/10/82	12/10/82	1/6/83
New York, W.	Daniel B. Wright	12/10/82	12/10/82	1/10/83
North Carolina, E.	William I. Berryhill	12/9/81	12/10/81	12/30/81
North Carolina, M.	George L. McBane	2/8/82	2/9/82	3/26/82
North Carolina, W.	Max E. Wilson	9/15/82	9/15/82	9/22/82
North Dakota	Errol Lee Wood	2/27/84	2/28/84	3/1/84
Northern Marianas	Edward M. Camacho	12/10/82	12/10/82	
Ohio, N.	Earl L. Rife	3/31/82	4/1/82	4/2/82
Ohio, S.	Robert W. Foster	10/21/81	10/26/81	10/28/81
Oklahoma, N.	Harry Connolly	12/3/81	12/5/81	12/28/81
Oklahoma, E.	Laurence C. Beard	10/29/81	10/29/81	11/16/81
Oklahoma, W.	Stuart E. Earnest	2/8/82	2/9/82	2/12/82
Oregon	Kernan Bagley	11/10/81	11/12/81	11/12/81
Pennsylvania, E.	Thomas C. Rapone	9/20/83	9/30/83	10/7/83
Pennsylvania, M.	Matthew Chabal	12/10/82	12/10/82	12/23/82
Pennsylvania, W.	Eugene V. Marzullo	7/27/82	7/28/82	8/16/82
Puerto Rico				
Rhode Island	Donald W. Wyatt	12/16/81	12/17/81	1/4/82
South Carolina	William C. Whitworth	6/18/82	6/21/82	7/23/82
South Dakota	Gene G. Abdallah	3/4/82	3/9/82	3/11/82

UNITED STATES MARSHALS APPOINTED BY PRESIDENT REAGAN

DISTRICT	NAME	CONFIRMATION	APPOINTMENT	ENTRANCE ON DUTY
Tennessee, E.	Bruce R. Montgomery	12/16/81	12/17/81	12/22/81
Tennessee, M.	Charles F. Goggin III	6/7/83	6/8/83	6/14/83
Tennessee, W.	John T. Callery	4/21/82	4/22/82	4/30/82
Texas, N.	Clint Peoples	8/18/82	8/18/82	9/17/82
Texas, S.	B.S. Baker	3/4/82	3/9/82	3/15/82
Texas, E.				
Texas, W.	William J. Jonas, Jr.	2/8/82	2/9/82	2/11/82
Utah	Eugene H. Davis	2/8/82	2/9/82	3/1/82
Vermont	Christian Hansen	3/16/82	3/17/82	4/26/82
Virgin Islands	John Washington	(Attorney General Appointment)		2/28/84
Virginia, E.	Herbert M. Rutherford,III	9/15/82	9/15/82	10/1/82
Virginia, W.	Wayne D. Beaman	12/9/81	12/10/81	1/3/82
Washington, E.	Paul R. Nolan	12/3/81	12/5/81	12/17/81
Washington, W.	Eugene M. Corr	4/13/83	4/14/83	4/20/83
West. Va., N.	Ronald A. Donell	6/6/83	6/7/83	6/13/83
West. Va., S.	James Hickman	4/27/82	4/28/82	5/3/82
Wisconsin, E.	Robert J. Keating	12/16/81	12/17/81	12/27/81
Wisconsin, W.	Frederick N. Falk	12/9/81	12/16/81	1/5/82
Wyoming	DeLaine Roberts	11/10/81	11/12/81	1/11/82