



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

SEP 14 8 31 AM '00

**MEMORANDUM**

September 13, 2000

**TO:** The Commission

**THROUGH:** James A. Pehrkon  
Staff Director

**FROM:** Lawrence M. Noble  
General Counsel

Kim Leslie Bright  
Associate General Counsel

Rhonda J. Vosdinger  
Assistant General Counsel

Angela Whitehead Quigley  
Attorney

**AGENDA ITEM**  
For Meeting of: 9-14-00

**SUBMITTED LATE**

**SUBJECT:** Final Determination and Statement of Reasons - Entitlement of Patrick Buchanan and Ezola Foster to Pre-election Funding (LRA #596)

On September 12, 2000, the Federal Election Commission made an initial determination that Patrick Buchanan and Ezola Foster, as candidates of the Reform Party, are entitled to certification of \$12,613,452 in pre-election funding. On September 11, 2000, counsel for the candidates submitted a letter to the Commission stating that the candidates had reviewed the eligibility report prepared by the Audit Division and that they agreed with the recommended pre-election funding amount of \$12,613,452. Counsel also stated that if the Commission adopted the Audit Division's recommendation at the Commission's September 12, 2000 meeting, they would waive any redetermination request in the interest of the Commission making a final determination at that meeting. On September 13, 2000, counsel submitted a letter stating that the candidates had received the Commission's initial determination and again waived their right to further proceedings. See Attachment 1.

The Office of General Counsel recommends that the Commission make a final determination that Patrick Buchanan and Ezola Foster are eligible to receive \$12,613,452 in pre-election funding. Attached for Commission approval is a draft Statement of Reasons supporting

the final determination on Mr. Buchanan and Ms. Foster's application.<sup>1</sup> See Attachment 2. In light of the Commission's discussion at the Open Session meeting of September 12, 2000, the draft Statement of Reasons includes a section responding to the challenges to the Buchanan/Foster application and a brief discussion of the status of Mr. Buchanan and Ms. Foster as Reform Party candidates.

### **RECOMMENDATIONS**

The Office of General Counsel recommends that the Commission:

1. Make a final determination that Patrick J. Buchanan and Ezola Foster as Reform Party candidates for the office of President and Vice President, are entitled to pre-election payments totaling \$12,613,452 pursuant to 26 U.S.C. § 9004(a)(2).
2. Approve the attached draft Statement of Reasons; and
3. Approve the appropriate notification letter.

### **Attachments**

1. Candidates' waiver of 15-day response period to dispute Commission's initial determination, dated September 13, 2000.
2. Proposed Statement of Reasons.

---

<sup>1</sup> The draft Statement of Reasons includes a list of documents that form the record of the Commission determination. With the exception of counsel's September 13, 2000 letter, these documents have been previously circulated to the Commission and we have not included them as attachments to this memorandum. The documents are available for review in the Commission Secretary's Office.

**STEPTOE & JOHNSON LLP**

ATTORNEYS AT LAW

1338 Connecticut Avenue, NW  
Washington, DC 20036-1786

Telephone 202.428.1000  
Facsimile 202.428.2902  
www.steptoelaw.com

John J. Duffy  
202.428.1020  
jduffy@steptoelaw.com

September 13, 2000

Via Hand Delivery and Facsimile

Mr. Darryl R. Wold  
Chairman  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

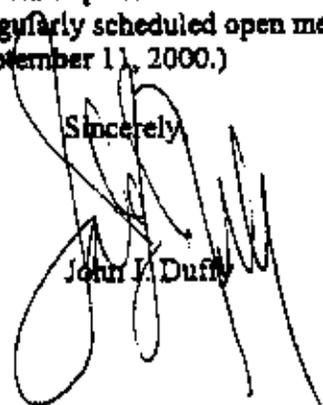
SEP 13 6 00 PM '00

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL

Dear Chairman Wold:

Mr. Patrick J. Buchanan and Ms. Ezola Foster have received your letter dated September 12, 2000 advising them of the Commission's initial determination that, as Presidential and Vice Presidential candidates of the Reform Party of the United States of America, respectively, they are entitled to payment in the amount of \$12,613,452. Mr. Buchanan and Ms. Foster again waive their right to further proceedings and request that the Commission make a final determination no later than their next regularly scheduled open meeting on September 14, 2000. (See letter to Chairman Wold, dated September 11, 2000.)

Sincerely,



John J. Duffy

cc: Lawrence M. Noble, Esq.  
Kim Leslie Bright, Esq.

ATTACHMENT 1  
Page 1 of 1

WASHINGTON

PHOENIX

LOS ANGELES

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 )  
5 Final Determination and Statement of ) LRA #596  
6 Reasons – Entitlement of Patrick Buchanan and )  
7 Ezola Foster to \$12,613,452 in Pre-election )  
8 Public Funding )  
9

10  
11 **STATEMENT OF REASONS**

12  
13 On September \_\_\_\_, 2000, the Federal Election Commission made a final determination  
14 that Patrick Buchanan and Ezola Foster, as Reform Party candidates for the office of President  
15 and Vice President, were entitled to \$12,613,452 in pre-election public funding pursuant to  
16 26 U.S.C. § 9004(a)(2)(A). See 11 C.F.R. § 9005.1(b). On August 29, 2000, Patrick Buchanan  
17 and Ezola Foster submitted an application for pre-election funding under the Presidential  
18 Election Campaign Act (the "Fund Act"), 26 U.S.C. §§ 9001-9013, as Reform Party candidates.  
19 See Attachments 2 and 7. The Commission made an initial determination that Mr. Buchanan and  
20 Ms. Foster were entitled to pre-election public funding totaling \$12,613,452 on September 12,  
21 2000. According to a letter from counsel dated September 11, 2000, the candidates agreed with  
22 the pre-election funding amount of \$12,613,452 recommended in the eligibility report prepared  
23 by the Audit Division. Attachment 14. Counsel stated that, if the Commission adopted the Audit  
24 Division's recommendation at the Commission's September 12, 2000 meeting, the candidates  
25 would waive any redetermination request in the interest of the Commission making a final  
26 determination at that meeting. See 11 C.F.R. § 9005.1(b)(2). On September 13, 2000, counsel  
27 submitted a letter stating that the candidates had received the Commission's initial determination  
28 and again waived their right to further proceedings. Attachment 22. This Statement sets forth

1 the factual and legal reasons for the Commission's final determination in accordance with  
2 11 C.F.R. § 9005.1(b)(3).

3 **I. BACKGROUND**

4  
5 The Fund Act provides that the eligible candidates of a minor party in a presidential  
6 election shall be entitled to pre-election funding. See 26 U.S.C. § 9004(a)(2)(A); 11 C.F.R.  
7 § 9004.2(b). Specifically, the eligible candidates of a minor party in a presidential election:

8 [s]hall be entitled to payments under section  
9 9006 equal, in the aggregate, to an amount  
10 which bears the same ratio to the amount  
11 allowed . . . for a major party candidate as the  
12 number of popular votes received by the  
13 candidate for President of the minor party, as  
14 such candidate, in the preceding presidential  
15 election bears to the average number of votes  
16 received by the candidates for president of the  
17 major parties in the preceding presidential  
18 election.

19 26 U.S.C. § 9004(a)(2)(A).

20 In the 1996 Presidential election, the Reform Party candidate received 8.4% of the general  
21 election vote, thereby achieving minor party status. 26 U.S.C. § 9002(7); 11 C.F.R. § 9002.7.

22 As a result of the Reform Party receiving over 5% of the popular vote in 1996, a Reform Party  
23 Presidential candidate is eligible for pre-election funding if he or she meets the other  
24 requirements for eligibility under the Fund Act.<sup>1</sup> Accordingly, pursuant to 26 U.S.C.  
25 § 9004(a)(2)(A), the Commission has determined that the candidates of the Reform Party qualify  
26 for pre-election funding.

<sup>1</sup> On November 22, 1999, the Commission certified \$2,468,291 to the Reform Party 2000 Convention Committee. Subsequent to this certification, party unrest led to a conflict over the convention funds. On April 3, 2000, United States District Judge Norman K. Moon issued an order awarding the Reform Party's convention funds to a group headed by Convention Committee Chair/Treasurer Gerald Moan. See *Reform Party of the United States v. Gargan*, 89 F.Supp. 2d. 751 (W.D. Va. 2000).

1 Under 11 C.F.R. § 9005.1(b), not later than 10 days after a minor or new party candidate  
 2 has met all of the applicable conditions for eligibility to receive payments, the Commission will  
 3 make an initial determination of the amount, if any, to which the candidate is entitled. The  
 4 Commission will base its determination on the percentage of votes received in the official vote  
 5 count certified in each state. 11 C.F.R. § 9004.2. In notifying the candidate, the Commission  
 6 will provide the legal and factual reasons for its initial determination and advise the candidate of  
 7 the evidence on which the determination is based. 11 C.F.R. § 9005.1(b)(1). Within 15 days  
 8 after the Commission's initial determination, the candidate may submit written legal or factual  
 9 materials to demonstrate that a redetermination is appropriate. 11 C.F.R. § 9005.1(b)(2). The  
 10 Commission will consider any written legal and factual materials timely submitted by the  
 11 candidate in making its final determination. 11 C.F.R. § 9005.1(b)(3). A final determination of  
 12 certification by the Commission will be accompanied by a written statement of reasons for the  
 13 Commission's action. *Id.*

## 14 II. ANALYSIS

### 15 A. Buchanan/Foster Application

16 The Fund Act defines a "candidate" as an individual who has qualified to have his or her  
 17 name on the election ballot as the candidate of a political party in ten or more states. 26 U.S.C.  
 18 § 9002(2)(B); 11 C.F.R. § 9002.2. Under the Commission's regulations, minor party or new  
 19 party candidates have 14 days after they have qualified to appear on the general election ballot in  
 20 ten or more states to submit a letter of candidate agreements and certifications.<sup>2</sup> 26 U.S.C.

<sup>2</sup> The Commission's regulations provide for extension of the deadline for filing such a letter based on a written request by a minor party candidate, at any time prior to the general election, except that the deadline must be prior to the date of the general election. See 11 C.F.R. § 9003.1(a).

1 § 9003(c); 11 C.F.R. § 9003.1. On August 14 and 18, 2000, Mr. Buchanan and Ms. Foster  
 2 submitted letters of candidate agreements and certifications. Attachments 1 and 2. In a letter  
 3 dated August 24, 2000, the Commission requested that the candidates provide evidence  
 4 demonstrating that they had qualified to appear on the general election ballot in ten or more states  
 5 as nominees of the Reform Party and outlined the requirements for such documentation.  
 6 Attachment 4. Subsequently, on August 25, 28 and 29, 2000, the candidates submitted  
 7 documentation indicating that they have qualified to appear on the general election ballots as the  
 8 nominees of the Reform Party in at least ten states. Attachment 7. *See* 11 C.F.R. § 9003.1(a)(2);  
 9 *see also* 11 C.F.R. § 9002.2(a)(2). These states include Alaska, Idaho, Maryland, Utah, South  
 10 Dakota, West Virginia, Missouri, Iowa, North Carolina, Oklahoma, Rhode Island, Delaware, and  
 11 North Dakota.<sup>3</sup> As Mr. Buchanan and Ms. Foster met the applicable conditions to receive  
 12 payments on August 29, 2000, the Commission concludes that Patrick Buchanan and Ezola  
 13 Foster have established their eligibility to receive pre-election payments under 26 U.S.C. § 9006.

14 **B. Amount of Entitlement**

15 Using the formulas under the Fund Act and the Commission's regulations, the amount of  
 16 Mr. Buchanan and Ms. Foster's entitlement is based upon the proportionate amount of the  
 17 funding available for major party general election candidates, based on the ratio of the total  
 18 popular votes received by the Reform Party Presidential candidate in 1996, compared to the  
 19 average of the total popular votes received by the major party candidates for President in that

<sup>3</sup> The candidates submitted documentation from three other states that was unofficial, incorrect or incomplete. Specifically, Mr. Buchanan provided a letter from the Arizona State Election Director which was addressed to supporters of Mr. Hagelin rejecting his identification as the Reform Party candidate rather than a confirmation of Mr. Buchanan as the candidate. The certification from the state of New Jersey certified the name of Howard Walsh rather than Ezola Foster as the Reform Party Vice Presidential candidate. Counsel for Mr. Buchanan and Ms. Foster stated that the document submitted for New Mexico was a copy of a web page, but such documentation lacked certification by any state official.

1 election. See 26 U.S.C. § 9004(a)(2); 11 C.F.R. § 9004.2(b). Using this formula, the Reform  
 2 Party's ratio of popular votes received in the 1996 general election as compared to those received  
 3 by the major party candidates is approximately .1867 (or 18.67%). After applying this ratio  
 4 toward the amounts to which the major party candidates are entitled (.1867 x \$67,560,000), the  
 5 Commission concludes that Mr. Buchanan and Ms. Foster's entitlement is \$12,613,452. See  
 6 11 C.F.R. § 9004.2(a)(2).

7 **C. Additional Issues**  
 8

9 As a result of a competing application for Reform Party pre-election funding and several  
 10 documents filed with the Commission requesting that the Commission deny public funds to  
 11 Mr. Buchanan and Ms. Foster, several issues have been raised regarding the Commission's  
 12 certification of the public funds for the Reform Party candidates.<sup>4</sup> See Attachment 16. First, in  
 13 addition to Mr. Buchanan and Ms. Foster, John Hagelin and Nat Goldhaber also have submitted a  
 14 letter of candidate agreements and certifications pursuant to 26 U.S.C. § 9003.<sup>5</sup> However,  
 15 Mr. Hagelin and Mr. Goldhaber have not provided documentation that demonstrates their access  
 16 to ten or more state general election ballots as the Presidential and Vice Presidential candidates  
 17 for the Reform Party, nor does the Commission possess evidence of such access. See 26 U.S.C.  
 18 § 9002(2)(B); 11 C.F.R. § 9002.2(a)(2).

19 Second, concerns exist about the validity of state ballot access procedures and Reform  
 20 Party rules as they pertain to selecting a Reform Party nominee. The Fund Act's definition of

<sup>4</sup> The Commission received three formal challenges to Mr. Buchanan and Ms. Foster's application for public funds. One challenge filed by Mr. Hagelin on August 10, 2000 was subsequently withdrawn on August 17, 2000.

<sup>5</sup> Additionally, the Commission received requests by the American Reform Party to split the Reform Party federal funds among three candidates: John Hagelin, Patrick Buchanan and Ralph Nader. However, the Commission has not received an application for general election public funding from Mr. Nader or certifications from ten states where Mr. Nader is on the general election ballot as a Reform Party Presidential candidate.

1 "candidate" explicitly requires the Commission to rely on the states' determinations of who  
2 appears on the general election ballot for each party. See 26 U.S.C. § 9002(2)(B); 11 C.F.R.  
3 § 9002.2(a)(2). The Commission does not believe that it should entangle itself in the  
4 complexities of party rules or procedures as the Fund Act does not define eligibility in terms of a  
5 political party's actions. Thus, the Commission should not substitute its own judgment for that  
6 of a state with regard to who should appear on a state ballot as a party nominee. See Statement of  
7 Reasons, *Request to Deny Funds to H. Ross Perot and Perot '96*, approved October 17, 1996.

8 If, on the other hand, the statute does require the Commission to independently review  
9 Mr. Buchanan's claim to be the nominee of the Reform Party, such a review would have to be of  
10 a limited nature to avoid the Commission entangling itself in the party rules. In this case,  
11 Mr. Buchanan has submitted evidence that he is the nominee of the Reform Party. See  
12 Attachment 6. While this claim has been challenged, the Commission does find that  
13 Mr. Buchanan has made a prima facie showing that he has received the nomination of the  
14 Reform Party.

15 In addition, the allegations made against Mr. Buchanan and Ms. Foster do not satisfy the  
16 substantial burden that must be met to withhold certification of public funds. The basis of these  
17 challenges is that the nomination of Mr. Buchanan and Ms. Foster did not comport with Reform  
18 Party rules. Absent patent irregularities suggesting the possibility of fraud, the Commission is  
19 precluded from withholding funds from a candidate "once the objective criteria for eligibility are  
20 met, because of the important constitutional free speech considerations inherent in public  
21 campaign financing." *In re Carter-Mondale Reelection Committee, Inc.*, 642 F.2d 538, 544  
22 (D.C. Cir. 1980). To justify withholding funding, the Commission should have a reasonable  
23 belief that patent fraud or another major violation has occurred. See *LaRouche v. FEC*, 996 F.2d

1 1263, 1267 (D.C. Cir. 1993). The Commission should also avoid basing its findings on  
 2 speculative allegations and should favor a policy that allows for prompt payments of public  
 3 funds, even if it must forgo a thorough investigation at the initial stage. *Committee to Elect*  
 4 *Lyndon LaRouche v. FEC*, 613 F.2d 834, 841 (D.C. Cir. 1979). The Commission does not  
 5 possess evidence that Mr. Buchanan's application for public funds contain patent irregularities or  
 6 the possibility of fraud. Thus, the challenges raised to Mr. Buchanan and Ms. Foster's  
 7 application do not prevent the Commission from making a final determination to certify pre-  
 8 election funding to the candidates.

### 9 III. FINAL DETERMINATION

10 For the foregoing reasons, the Commission has made a final determination that Patrick  
 11 Buchanan and Ezola Foster, Reform Party candidates for the office of President and Vice  
 12 President, are entitled to pre-election payments totaling \$12,613,452 pursuant to 26 U.S.C.  
 13 § 9004(a)(2).

#### 14 Attachments

- 15 1. Letter to the Federal Election Commission from John J. Duffy (August 14, 2000) (with  
 16 attachments: (1) Letter to the Federal Election Commission from Patrick J. Buchanan and  
 17 Ezola Foster (August 11, 2000); (2) Presidential Candidate Certification from Patrick J.  
 18 Buchanan (August 13, 2000); (3) Vice Presidential Candidate Certification from Ezola  
 19 Foster (August 13, 2000)).
- 20 2. Memorandum to Lawrence M. Noble, General Counsel, from Ray Lisi, Deputy Assistant  
 21 Staff Director, Letter of Candidate and Committee Certifications and Agreements  
 22 Submitted by Patrick J. Buchanan and Ezola Foster (August 18, 2000).
- 23 3. Memorandum to Commission from Lawrence M. Noble, General Counsel, Procedures for  
 24 Establishing Eligibility for payments for and Amount of Entitlement for Candidates of the  
 25 Reform Party of the United States of America (August 20, 2000) (with attachment:  
 26 Memorandum to the Commission from Lawrence M. Noble, General Counsel,  
 27 Procedures for Establishing Eligibility for Payments and Amount of Entitlement for  
 28 Candidates of the Reform Party of the United States of America – a Minor Party in the  
 29 2000 Presidential Election (August 20, 2000); (1) Audit Division memoranda forwarding  
 30  
 31  
 32

1 candidate agreement and certification letters from the campaigns of Patrick  
2 Buchanan/Ezola Foster and John Hagelin/Nat Goldhaber; (2) Draft letters to Buchanan  
3 and Hagelin).

4 [recommends Commission approve Letters to Buchanan and Hagelin informing them of  
5 documentation needed to demonstrate their presence on the ballot in 10+ states as the  
6 Reform Party candidate]  
7

- 8 4. Letter to Patrick J. Buchanan, c/o John J. Duffy, Esquire, from Darryl R. Wold, Chairman  
9 (August 24, 2000) (notifying Buchanan that he must comply with 10-state requirement of  
10 26 U.S.C. § 9002(2)).
- 11
- 12 5. Letter to John J. Duffy, Esq. from Kim Leslie Bright, Associate General Counsel,  
13 Eligibility for Public Funds – Patrick J. Buchanan and Ezola Foster (August 29, 2000).
- 14
- 15 6. Letter to the Federal Election Commission from John J. Duffy, Esquire (August 30, 2000)  
16 [“brief” arguing that Commission should ignore Hagelin’s claim to the Reform Party  
17 nomination] (with appendices (A) Certificate of Nomination of Pat Buchanan for  
18 President from the Reform Party national nominating convention in Long Beach,  
19 California, August 9-13, 2000; (B) FEC Form Showing Thomas McLaughlin as  
20 Treasurer, Convention Committee; (C) Reform Party 2000 Convention Call from  
21 website; (D) Reform Party of the United States Constitution; and attachments (1) *Reform*  
22 *Party of the United States v. Gargan*, 89 F. Supp. 2d 751 (W.D. Va. 2000); (2)  
23 *Democratic-Farmer-Labor State Central Committee v. Holm*, 227 Minn. 52, 33 N.W.2d  
24 831 (1948); (3) *Fosser v. Lavik*, 9 N.D. 461, 83 N.W. 914 (1900)).
- 25
- 26 7. Memorandum to Commission from Lawrence M. Noble, General Counsel, State Ballot  
27 Access Documents Submitted by Patrick Buchanan and John Hagelin (September 1,  
28 2000) with attachments:
- 29 a) Letter to Federal Election Commission from John J. Duffy (August 25, 2000)  
30 (with enclosed certifications from Alaska, Arizona, Delaware, Idaho, Maryland,  
31 New Jersey, South Dakota, Utah, West Virginia, New Mexico)
- 32 b) Letter to Federal Election Commission from John J. Duffy (August 25, 2000)  
33 (enclosing certification from Missouri)
- 34 c) Letter to Darryl R. Wold, Chairman, from John J. Duffy (August 28, 2000) (with  
35 enclosed certification from Iowa)
- 36 d) Letter to Kim Leslie Bright, Associate General Counsel, from John J. Duffy  
37 (August 29, 2000) (with enclosed e-mail from Delaware; certification from  
38 Arizona)
- 39 e) Letter to Federal Election Commission from John J. Duffy (August 29, 2000)  
40 (enclosing certifications from North Carolina, Oklahoma)
- 41 f) Letter to Federal Election Commission from John J. Duffy (August 30, 2000)  
42 (enclosing certifications from Delaware, North Dakota)
- 43 g) Letter to Federal Election Commission from Alice E. Loughran (August 31, 2000)  
44 (enclosing certification from Rhode Island)  
45

ATTACHMENT 2

Page 8 of 12

- 1 8. Memorandum to the Commission from Lawrence M. Noble, General Counsel, State  
2 Ballot Access Correspondence Sent to Patrick Buchanan (September 1, 2000) (with  
3 attachment Letter to John J. Duffy, Esq. from Kim Leslie Bright, Associate General  
4 Counsel (August 29, 2000)).  
5
- 6 9. Memorandum to the Commission from Ray Lisi, Deputy Assistant Staff Director, Audit  
7 Division, 2000 General Election Entitlement of \$12,613,452 for Patrick J. Buchanan and  
8 Ezola Foster (September 7, 2000) (with attachments (1) Letter to the Federal Election  
9 Commission from Patrick J. Buchanan and Ezola Foster (August 11, 2000); (2)  
10 Presidential and Vice Presidential Candidates Certification (August 19, 2000); (3)  
11 Memorandum to Robert J. Costa, Assistant Staff Director, Audit Division, from  
12 Lawrence M. Noble, General Counsel, Letter of Candidate Agreements and Certifications  
13 Received from Patrick Buchanan and Ezola Foster (September 6, 2000); (4) Draft Letter  
14 to Patrick Buchanan from Darryl R. Wold, Chairman; (5) Draft Letter to Ezola Foster  
15 from Darryl R. Wold, Chairman).  
16
- 17 10. Facsimile to Federal Election Commission from Caryl F. Burnett, Reform Party Funds  
18 (September 10, 2000).  
19
- 20 11. Facsimile to Federal Election Commission from Richard L. Burnett, Reform Party Funds  
21 (September 10, 2000).  
22
- 23 12. Memorandum to Commission from Lawrence M. Noble, General Counsel, Litigation  
24 Issues relating to Commission certification of Reform Party Candidates under the  
25 Presidential Fund Act (September 7, 2000).  
26
- 27 13. Memorandum to Commission from Lawrence M. Noble, General Counsel, Response to  
28 Commissioner Bradley Smith's Questions Regarding Reform Party Pre-election Funding  
29 (September 11, 2000).  
30
- 31 14. Letter to Darryl R. Wold, Chairman, from John J. Duffy (September 11, 2000) (waiving  
32 15-day response period to dispute initial determination).  
33
- 34 15. Memorandum to the Commission from Lawrence M. Noble, General Counsel, General  
35 Election Entitlement of Patrick J. Buchanan and Ezola Foster – Letter from Counsel  
36 (September 11, 2000) (with attachment: Letter to Darryl R. Wold, Chairman, from John J.  
37 Duffy (September 11, 2000)).  
38
- 39 16. Memorandum to the Commission from Lawrence M. Noble, General Counsel,  
40 Suspension of Rules to Consider Draft Statement of Reasons -- Petitions to Deny  
41 Certification of Public Funds to Patrick J. Buchanan and Ezola Foster (September 11,  
42 2000) (with attachments: Memorandum to the Commission from Lawrence M. Noble,  
43 General Counsel, Requests to Deny Certification of Public Funds to Patrick J. Buchanan  
44 and Ezola Foster (September 11, 2000);

ATTACHMENT 2  
Page 9 of 10

1 (A) Proposed Statement of Reasons Denying Mr. James Mangia's Submission  
 2 Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick  
 3 Buchanan and Ms. Ezola Foster; (1) Mr. James Mangia's Submission Requesting that the  
 4 Commission Deny Certification of Public Funds to Patrick Buchanan and Ezola Foster  
 5 (August 10, 2000); (2) Supplement to Mr. James Mangia's Submission (August 29, 2000)  
 6 (with exhibits A-K); (3) Mr. Patrick J. Buchanan's Response (September 5, 2000) (with  
 7 Appendices A-F and Cases (3));

8 (B) Proposed Statement of Reasons Denying the New York Delegation's Submission  
 9 Requesting that the Commission Deny Certification of Public Funds to Mr. Patrick  
 10 Buchanan and Ms. Ezola Foster; (1) The New York Delegation's Submission Requesting  
 11 that the Commission Deny Certification of Public Funds to Patrick Buchanan and Ezola  
 12 Foster (August 28, 2000)

- 13
- 14 17. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Eligibility  
 15 of Patrick J. Buchanan and Ezola Foster for Payment of Public Funds – Additional  
 16 Information (September 11, 2000) (with attachment: Facsimile to Federal Election  
 17 Commission from Sue Harris DeBauche, National Vice Chair, Reform Party v. Patrick J.  
 18 Buchanan (September 10, 2000) with attachments Letter to Federal Election Commission  
 19 from Sue Harris DeBauche, National Vice Chair, RPUSA, Reform Party of the United  
 20 States of America (RPUSA) Pat Buchanan Fiasco (September 10, 2000); press reports;  
 21 Affidavit of Sue Harris DeBauche; *et al.*).
- 22
- 23 18. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Eligibility  
 24 of John Hagelin and Nat Goldhaber for Payment of Public Funds – Additional  
 25 Information (September 11, 2000) (with attachment Letter to Federal Election  
 26 Commission from Trevor Potter and Kirk L. Jowers, Co-counsel for John Hagelin and  
 27 Nat Goldhaber (September 11, 2000), enclosing Order Dismissing Objection from Iowa;  
 28 Result of Drawing from Iowa; Letter to John Hagelin and Mike Tompkins, from Bob  
 29 Galbraith, Deputy Secretary of State (Iowa) (August 21, 2000)).
- 30
- 31 19. Letter to Federal Election Commission from Deanna Clapsdile (September 11, 2000).
- 32
- 33 20. Memorandum to the Commission from Commissioner Karl Sandstrom, 2000 General  
 34 Election Entitlement (September 12, 2000) (with attachment: Memorandum to the  
 35 Commission from Commissioner Karl Sandstrom, 2000 General Election Entitlement -  
 36 Reform Party (September 12, 2000)).
- 37
- 38 21. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Reform  
 39 Party – State Ballot Review (September 12, 2000) (with attachment: Chart - State Ballot  
 40 Review (Draft)).
- 41
- 42 22. Letter to Darryl R. Wold, Chairman from John J. Duffy (September 13, 2000) (again  
 43 waiving right to further proceedings and requesting that the Commission make a final  
 44 determination no later than September 14, 2000).
- 45

- 1 23. Letter to Karl J. Sandstrom, et al from Sue Harris DeBauche, Praise for Mr. Karl J.  
2 Sandstrom in re Reform Party of the United States of America (RPUSA) Pat Buchanan  
3 Fiasco (September 13, 2000).  
4
- 5 24. Letter to Darryl R. Wold, Chairman, *et al.* from Donna Donovan, State Chairman,  
6 Connecticut Reform Party, Awarding of \$12.6 Million to Reform Party Presidential  
7 Candidate (September 9, 2000) (Ex Parte Communication).  
8
- 9 25. Ex Parte Communication (telephone call) to Anton Reel from Joy Crocker, Reform Party  
10 member, (September 11, 2000) (Ex Parte Communication).  
11
- 12 26. Letter to Federal Elections [sic] Commission from Timothy P. Hallinan, Chairman,  
13 Reform Party of Wyoming (September 9, 2000) (with enclosure Letter to Gerald Moan  
14 from Patricia O'Brien Arp, Deputy Secretary of State, Ballot Access Notification  
15 (September 6, 2000)) (Ex Parte Communication).  
16
- 17 27. Letter to Federal Election Commission from John A. Eastman, Natural Law U.S. Senate  
18 Candidate, (September 11, 2000) (Ex Parte Communication).  
19
- 20 28. Letter to Federal Election Commission from Dennis Slotnick, Natural Law Candidate,  
21 (undated) (Ex Parte Communication).  
22
- 23 29. Letter to Lawrence M. Noble, General Counsel, from Ted Muga, Chairman, American  
24 Reform Party (August 20, 2000).  
25
- 26 30. Memorandum to Kim Leslie Bright, Associate General Counsel, from Office of  
27 Commission Secretary, Ex Parte Communication regarding Disbursal of Funds to Reform  
28 Party (August 22, 2000) (with attachment: Memorandum to the Office of the Commission  
29 Secretary from Darryl R. Wold, Chairman, Ex Parte Communication Re Disbursal of  
30 Funds to Reform Party (August 22, 2000) enclosing facsimile to Darryl Wold, Chairman,  
31 from Ted Muga, Chairman American Reform Party (August 20, 2000)).  
32
- 33 30. Letter to Darryl Wold, Chairman, from Don A. Torgersen (August 23, 2000).  
34
- 35 31. Memorandum to the Commission from Lawrence M. Noble, General Counsel,  
36 Supplemental Memorandum on Litigation Issues relating to Commission Certification of  
37 Reform Party Candidates Under The Presidential Election Campaign Fund Act  
38 (September 11, 2000).  
39
- 40 32. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Eligibility  
41 of John Hagelin and Nat Goldhaber for Payment of Public Funds – Additional  
42 Information (September 11, 2000) (with attachments: Memorandum to Office of the  
43 General Counsel from Hagelin 2000, Statements of Organization (September 11, 2000);  
44 Statement of Organization of Natural Law Party of Wyoming (September 10, 2000);  
45 Statement of Organization of Natural Law Party of Hawaii (September 10, 2000);

1 Statement of Organization of Natural Law Party of Ohio (September 9, 2000); Statement  
 2 of Organization of Natural Law Party of Idaho (September 9, 2000); Statement of  
 3 Organization of Natural Law Party of Utah (September 10, 2000); Statement of  
 4 Organization of Natural Law Party of Oregon (September 9, 2000); Statement of  
 5 Organization of Natural Law Party of Arizona (September 9, 2000)).  
 6

- 7 33. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Eligibility  
 8 of John Hagelin and Nat Goldhaber for Payment of Public Funds – Additional  
 9 Information (September 11, 2000) (with attachment: Letter to Kim Leslie Bright,  
 10 Associate General Counsel, from Burton D. Brillhart, LRA #592; Eligibility of John  
 11 Hagelin and Nat Goldhaber for Payment of Public Funds; FEC Certification of Public  
 12 Funds for the Reform Party Candidates (September 7, 2000) with enclosures).  
 13
- 14 34. Memorandum to the Commission from Lawrence M. Noble, General Counsel,  
 15 Submission from Ross Perot (September 11, 2000) (with attachment: (1) Letter to  
 16 Lawrence M. Noble, General Counsel, from Burton D. Brillhart, Eligibility of John  
 17 Hagelin and Nat Goldhaber for Payment of Public Funds; FEC Certification of Public  
 18 Funds for the Reform Party Candidates (September 11, 2000) with enclosures (a)  
 19 Affidavit of Ross Perot, Sr. (September 11, 2000) (b) Letter to Burnham J. Philbrook,  
 20 Esq., from Lawrence M. Noble, General Counsel, AOR 1996-47 (December 2, 1996)).  
 21
- 22 35. Letter to Mary Dove, Acting Commission Secretary, from Kirk L. Jowers, 2000 General  
 23 Election Entitlement for John Hagelin and Nat Goldhaber (September 12, 2000) (with  
 24 attachments: (1) Letter to Federal Election Commission from Trevor Potter and Kirk J.  
 25 Jowers, Co-Counsel for John Hagelin and Nat Goldhaber, 2000 General Election  
 26 Entitlement for John Hagelin and Nat Goldhaber (September 11, 2000) and attached  
 27 Order Dismissing Objection; (2) Affidavit of Ross Perot, Sr. (September 11, 2000); (3)  
 28 State certifications from Oregon, Wisconsin, Minnesota, Nevada; (4) Findings of Fact,  
 29 Conclusions of Law, and Order by Donetta Davidson, Secretary of State, State of  
 30 Colorado (September 11, 2000)).  
 31
- 32 36. Memorandum to the Commission from Lawrence M. Noble, General Counsel, Eligibility  
 33 of John Hagelin and Nat Goldhaber for Payment of Public Funds – Additional Statements  
 34 of Organization (September 12, 2000) (with attachments: Statement of Organization of  
 35 Natural Law Party of Arizona (September 9, 2000); Statement of Organization of Natural  
 36 Law Party of Oregon (September 9, 2000); Statement of Organization of Natural Law  
 37 Party of Idaho (September 9, 2000); Statement of Organization of Natural Law Party of  
 38 Wyoming (September 10, 2000); Statement of Organization of Natural Law Party of  
 39 Nevada (September 11, 2000); Statement of Organization of Natural Law Party of New  
 40 Mexico (September 11, 2000); Statement of Organization of Natural Law Party of Ohio  
 41 (September 9, 2000); Statement of Organization of Natural Law Party of Utah  
 42 (September 10, 2000)).  
 43  
 44

ATTACHMENT 2  
 Page 12 of 12

