FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1381

Date Filmed 5/26/82 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Routing Cards for 1st G.C. Report, RTB letters, (3) Memos, Comprehensive Investigative Report #1 and G.C. Report

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

| | | | |
|---|---|---|---|
| ___ | (1) Classified Information | ___ | (6) Personal privacy |
| ___ | (2) Internal rules and practices | ___ | (7) Investigatory files |
| ___ | (3) Exempted by other statute | ___ | (8) Banking Information |
| ___ | (4) Trade secrets and commercial or financial information | ___ | (9) Well Information (geographic or geophysical) |
| X | (5) Internal Documents | | |

Signed Marybeth Tarrant

date 5/7/82

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 6, 1982

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

On August 12, 1981, the Commission found reason to believe that your clients, the Constitution Party, Rufus Shackelford, W.A. Skees, and Bruce Wilbanks, had violated 2 U.S.C. § 441a, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering your responses and the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days.

The Commission reminds you that the Constitution Party's acceptance of contributions in excess of $5,000 nevertheless appears to be a violation of the Act and that immediate steps should be taken to insure that this activity does not occur in the future.

If you have any questions, please direct them to Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8204032436

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

On August 12, 1981, the Commission found reason to believe that your clients, the Constitution Party, Rufus Shackelford, W.A. Skees, and Bruce Wilbanks, had violated 2 U.S.C. § 441a, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering your responses and the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days.

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If you have any questions, please direct them to Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

MT
5/6/82

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BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | MUR 1381 |
| Constitution Party | ) | |
| Rufus Shackelford | ) | |
| W.A. Skees | ) | |
| Bruce Wilbanks | ) | |

**CERTIFICATION**

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 5, 1982, the Commission decided by a vote of 6-0 to take the following actions in MUR 1381:

1. Take no further action against the Constitution Party, Rufus Shackelford, W.A. Skees and Bruce Wilbanks.
2. Close the File.
3. Approve the letter as submitted with the General Counsel's Report signed April 30, 1982.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

5-5-82
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 5-3-82, 10:06
Circulated on 48 hour tally basis: 5-3-82, 4:00

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May 3, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1381

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Tarrant

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

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| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Constitution Party | ) | |
| Rufus Shackelford | ) | MUR 1381 |
| W.A. Skees | ) | |
| Bruce Wilbanks | ) | |

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was referred to the Office of General Counsel by the Reports Analysis Division. On August 12, 1981, the Commission found reason to believe that the Constitution Party ("the Party") had violated 2 U.S.C. § 441a(f) by accepting excessive contributions from Rufus Shackelford, Bruce A. Wilbanks and W.A. Skees. In addition, the Commission found reason to believe (RTB) that these three contributors had violated 2 U.S.C. § 441a(a)(1)(C). Both Messrs. Shackelford and Wilbanks contributed $20,000 to the Party and Mr. Skees contributed $10,000. All the respondents were found to be in violation of the Act because the Party did not appear to qualify as a "political committee established and maintained by a national political party." See 2 U.S.C. § 441a(a)(1)(B). Thus, it had to be assumed that the Party could only receive individual contributions of $5,000 per calendar year.

In response to the RTB findings, this office was contacted by Louis Ingram, counsel for the respondents. Two

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extensions of time were granted by the Commission to Mr. Ingram in order for him to respond.

After analyzing Mr. Ingram's response, it was determined that more information was needed. Thus, on February 22, 1982, a letter, with questions, was sent to Mr. Ingram. See Attachment 1. On March 22, 1982, this office received Mr. Ingram's response. See Attachment 2.

**FACTUAL AND LEGAL ANALYSIS**

The Party held its first organizational meeting in April, 1979. During the fall of 1979 and until mid-April, 1980, Meldrim Thomson, Jr., former governor of New Hampshire, was both an active candidate for the Party's nomination for the Presidency and a vigorous organizer of the Party. However, Governor Thomson did have his own committee, the Thomson for President Committee, which supported his presidential campaign.

The Party registered on December 14, 1979, and filed only three reports with the Commission. Total reported receipts for the Party were $60,012 of which the three individual respondents contributed $50,000. Total reported expenditures were $61,505. Aside from minor expenditures for salary, telephone, supplies and advertisements, the Party's main expenditure, totalling $33,015.84, was for an advertisement which apparently appeared in the Wall Street

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Journal. The last report filed was the July 15, 1980 Quarterly Report which disclosed $107 cash on hand at the end of the reporting period and an outstanding debt of $2,600 which was a loan from an individual.

Although a relatively small amount of money was expended on behalf of the Party, Mr. Ingram's initial response seemed to indicate there was activity, presumably on a volunteer basis, as far as organizational efforts were concerned. However, it appears that most of this activity ceased when Governor Thomson withdrew his candidacy. 1/

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virture of the by-laws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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." These definitional requirements have been utilized to analyze whether a committee qualifies as "a political committee established and maintained by a national political party" under 2 U.S.C. § 441a(a)(1)(B) and (2)(B).

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1/ It should be noted that plans are now underway to formally organize a new Constitution Party. See AO 1981-30.

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In a number of advisory opinions, the Commission has, by application, explained the definitional criteria used to determine whether or not an organization qualifies as a "national committee." Those opinions required that beyond the mere creation of a political party by adoption of bylaws, an organization must demonstrate that it operates at the national level by nominating candidates for various federal offices in numerous states; by engaging in such activities on an ongoing basis, rather than with respect to a particular election, through voter registration and get-out-the-vote drives, providing speakers, or organizing volunteer workers; and by publicizing issues of importance to the party and its adherents throughout the United States. Other indicia include holding a national convention and the establishment of state affiliates of the national political party. Advisory Opinion 1980-131. See Advisory Opinions 1980-121, 1980-96, 1980-3, 1978-58, 1976-95, 1975-129.

Mr. Ingram's response attempts to set out the following facts:

(1) there was a national political party comprised of various state parties under the banner of the Constitution Party;

(2) the national Constitution Party was directed by a National Committee comprised of an Executive Committee, officers, and staff employees;

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(3) the National Committee established a national headquarters office in Concord, New Hampshire;

(4) the National Committee performed, on a daily basis, all the functions normally associated with the national committees of newly established parties, including the coordination of its various affiliated state committees;

(5) the National Committee formed state affiliates in 29 states; some of these affiliates were merely organizing committees; others developed to the point of becoming state committees as contemplated by section 431(15);

(6) the most important concern of the Party was to achieve ballot position throughout the states and to this end they were successful in Maine, Alabama, Utah and Wisconsin as of April, 1980;

(7) the National Committee called a National Convention subject to site selection and other formative details, but said convention was subsequently cancelled when the party founder withdrew from the primary election campaign creating a leadership vacuum;

(8) the National Committee operated under constructive bylaws comprised of Roberts Rules of Order and public policy, and had, moreover, proforma bylaws awaiting adoption at the Party's first national organizing convention;

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(9) the Thomson for President Committee was engaged in a primary election campaign for the presidential nomination of the Constitution Party;

(10) the contributions, expenditures, records and reports of the Thomson for President Committee and the National Committee of the Constitution Party were at all times distinct and separate;

(11) the National Committee of the Constitution Party did not contribute to the Thomson for President Committee;

(12) the National Committee of the Constitution Party used its funds exclusively for the promotion and development of the Party on a state and national basis;

(13) Respondents Shackelford, Skees and Wilbanks had no information, and could not have reasonably obtained such information at the time of their contributions other than through the direct inquiries which were made, which would have alerted them to the issues subsequently raised by the Commission; and

(14) the contributions in question were solicited in order to underwrite the costs of a Party advertisement in the Wall Street Journal.

To substantiate these facts, Mr. Ingram furnished affidavits from W. A. Skees, Acting State Chairman of the Party in Texas, Bruce A. Wilbanks, a member of the Executive

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Committee of the Constitution Party of Texas, Meldrim Thomson, founder of the Party and candidate for the presidential nomination of the Party, Catherine D. Boudreau, office manager for the offices of both the Party and the Thomson for President Committee, Douglas R. Bourdon, legal advisor to the Party, Joseph H. Deoss, accountant for both the Party and the Thomson campaign, Harvey Hawkins, member of the Committee of 56 which was the forerunner of the Party and also the National Director of Ballot Position, and Rufus Shackelford, Chairman of the Thomson for President Committee and one of the organizers of the Florida Constitution Party. In addition, Mr. Ingram submitted a statement on political parties by George Carey, Ph.D., a Professor of Government at Georgetown University. Other exhibits included a certificate of incorporation for the Constitution Party of Wisconsin, charter of the Constitution Party of Georgia, roster of the National Advisory Committee, newspaper advertisements for the Party which were paid for by the Party, press releases concerning state organizational meetings and a letter from the California Constitution Party to its respective election commission.

In Advisory Opinion 1980-3, the Commission determined that the Executive Committee of the Citizens Party would qualify as the national committee of a political party when

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verification was obtained that the name of a Citizens Party candidate for federal office appeared on a state's ballot as the candidate of the Citizens Party. This determination was based on the assumption that the Citizens Party proceeded on a continuing basis with implementing its stated plans with regard to party-building activities.

While it appears that the Party did engage in activity similar to that of the Citizen's Party, the question arose as to whether the Party met the definition of a "political party," as Governor Thomson never appeared on any ballot due to his early withdrawal from the presidential race. Even though it has been established by the evidence submitted by Mr. Ingram that the Party's activities virtually ceased after Thomson's withdrawal, two congressional candidates appeared on general election ballots as candidates of the Constitution Party. 2/

After reviewing and analyzing Mr. Ingram's response 3/ to our questions regarding this issue, it appears that these

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2/ According to the official 1980 general election vote returns as published by Congressional Quarterly, it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey. Both men lost in the election, Mr. Barrett receiving 2.6% of the vote and Mr. Smith receiving less than 1% of the vote.

3/ It should be noted that Mr. Ingram forwarded our questions to Meldrim Thomson whose answers constitute Mr. Ingram's response.

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two candidates were not nominated or selected by the Party as contemplated by 2 U.S.C. § 431(16) and 11 C.F.R. § 100.15.

According to this response, neither Mr. Smith nor Mr. Barrett were nominated or selected by their respective state party organizations but had merely expressed their interest to run as Party candidates to their respective state chairman. Indeed, as the "national committee" had ceased to exist by this time (November, 1980) and the various state organizations appear to have discontinued their operations, it seems there was no organization as such to even nominate a candidate. Therefore, it appears that anyone could have gotten on the ballot as a candidate of the Party as long as they met the respective state ballot requirements. In addition, it was disclosed that in the four states in which the Party said it had achieved ballot position, the Party had yet to hold state conventions in those states, thereby, not meeting all of the requirements as prescribed by state law. Regardless of this fact, it is clear that no Party candidates appeared on the ballot in any of these four states.

In light of the above statements, it appears that the Party did not meet the definition of a "political party" let alone the status of a "national committee" of a political party.

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Pursuant to 2 U.S.C. § 441a(a)(1)(B), no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000. Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of contributions in excess of these limitations.

While it does appear, therefore, that the Party could only accept contributions of $5,000 or less from an individual in a calendar year, the General Counsel recommends that the Commission take no further action against the respondents. This recommendation is based on the fact that at the time the contributions were made (November, 1979 and January, 1980), the Party was actively trying to organize on a nationwide basis. This supports the statements of Messrs. Shackelford, Skees and Wilbanks that they were instructed and had every reason to believe, at the time, that their contributions were in compliance with the Act. Further, the money was used for an advertisement on

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behalf of the Party, not any candidate. Finally, the Party had minimal activity and virtually ceased to exist well before the 1980 general election. It is the opinion of the General Counsel that a recommendation of no further action in this matter is appropriate.

**RECOMMENDATIONS**

1. Take no further action against the Constitution Party, Rufus Shackelford, W. A. Skees and Bruce Wilbanks.

2. Close the file.

3. Approve the attached letter.

April 30, 1982
Date

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments
1. Letter, with questions, to Ingram
2. Response from Ingram
3. Proposed letter

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Tarrant ①

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381
Constitution Party, Rufus
Shackelford, W.A. Skees
Bruce Wilbanks

Dear Mr. Ingram:

On August 14, 1981, your clients were sent notification that the Commission had found reason to believe that they had violated 2 U.S.C. § 441a. An investigation of this matter is being conducted, and it has been determined that additional information from you is necessary. Therefore, we ask that you answer the attached questions. In addition, please furnish any supporting documentation for your answers.

Please provide the requested information within fifteen days of receipt of this letter. If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

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Att. 1, pg. 1

Questions - MUR 1381
Constitution Party

1. Was the Constitution Party formally organized in the state of New Jersey in 1980?

   If so, please answer questions # 2-11.
   If not, please go to question # 12.

2. What was the name of this organization?

3. When did it come into existence?

4. Did it remain active after the 1980 general election?

5. Did such an organization file with the proper state election officials?

6. Was such an organization formally recognized as a political party in the state of New Jersey? If so, please give the date.

7. Who organized the Constitution Party within the state of New Jersey?

8. How did the organization operate within the state of New Jersey?

9. Who were the officers of this organization in 1980?

10. Was there any contact between this organization and the "national headquarters" in Concord, New Hampshire?

11. If so, please describe the nature of these contacts.

12. Please describe the activities of the Constitution Party within the state of New Jersey in 1980?

13. How was Donald L. Smith selected as the congressional candidate of the Constitution Party in the 6th district of New Jersey?

14. Was the "national headquarters" of the Constitution Party aware of Mr. Smith's candidacy?

15. Was Mr. Smith nominated by means of a nominating petition?

16. What procedures did Mr. Smith go through in order to qualify on the general election ballot?

17. What did the Constitution Party do to promote Mr. Smith's candidacy?

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(3)

18. Why did the Constitution Party run only 1 candidate for federal office within the state of New Jersey?

19. Did any other members of the Constitution Party run for state office in New Jersey?

20. If so, please state their names and the office sought.

21. Please answer question #1 in regard to the state of Illinois. Depending on your answer to #1, proceed to answer either questions #2-11 or #12 with regard to the state of Illinois.

22. Did the Constitution Party in Illinois petition to form a new party in 1980 by submitting 25,000 signatures of qualified voters?

23. Did the Constitution Party in Illinois become an "established political party" pursuant to Illinois state law?

24. How was James H. Barrett selected as the congressional candidate of the Constitution Party in the 24th district of Illinois?

25. Was Mr. Barrett nominated by means of a nominating petition?

26. What procedures did Mr. Barrett go through in order to qualify on the ballot as a candidate of the Constitution Party?

27. What did the Constitution Party do to promote Mr. ~~Smith's~~ – should be Barrett's candidacy?

28. Why did the Constitution Party run only 1 candidate for federal office within the state of Illinois?

29. Did any other members of the Constitution Party run for state office in Illinois?

30. If so, please state their names and the office sought.

31. Did Meldrim Thomson ever appear on any ballot as a candidate of the Constitution Party?

32. If so, please state where and the office sought.

33. Please describe the procedures the Constituion Party went through in order to obtain ballot position in these states: Maine, Alabama, Utah and Wisconsin.

34. Did any candidates of the Constitution Party appear on any ballots in the above-mentioned states?

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35. If so, please state their names and the office sought.

36. If not, please explain what you mean when you say that the Constitution Party achieved ballot position in these states.

37. Was the Constitution Party active throughout the United States during the 1980 general election?

38. If not, please say why.

39. Please provide any documentation which supports your answers to these questions.

40. Please provide any information and/or documentation which demonstrates that the Constitution Party nominated a candidate for federal office whose name appeared on the election ballot as the candidate of the Constitution Party.

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Att. 1, p. 4

200859 RECEIVED Case # 1396 (3)

LOUIS WILSON INGRAM, JR.
8223 Doctor Craik Court
Alexandria, Virginia 22306

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Tarrant

Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

82 MAR 22 P2:28

MUR 1381
Constitution Party
Rufus Shackelford W.A. Wilbanks
Meldrim Thomson and Bruce Wilbanks

Dear Miss Tarrant:

Enclosed are the attested responses of Meldrim Thomson to the questions propounded by the Commission and transmitted in a letter from Kenneth A. Gross dated February 22, 1982.

These responses have revealed information of which I was not before aware. The Commission's "Factual Basis and Legal Analysis" dated August 14, 1981, notes on page 4 that ".. there were two candidates, running for the House of Representatives that were on the ballots as candidates of the (Constitution) Party." It appears from Governor Thomson's responses that these candidates never actually appeared on ballots This is a development which I will of course, investigate upon my return.

Governor Thomson never in fact appeared on any ballot and was never nominated by the national party in convention or otherwise. He was at most a candidate for the presidential nomination of a party which by the account of the Commission did not exist.

Inasmuch as the General Counsel insists on applying the the statutory reference to "bylaws of a political party" as a strict test of the party committee's achievment of "national committee" status it would seem only equitable that the candidate requirement be given the full breadth of its significance.

Even though Governor Thomson registered his campaign committee with the Commission, and the Constitution party registered with the Commission, I am puzzeled to understand how a person can be a candidate and not a candidate at the same time. It appears, moreover, that a party cannot exist without a "national committee" and that a national committee cannot exist without a "candidate."

Briefly, why is the Commission inquiring into this. If it is true that Barrett and Smith never appeared on the ballots of their respective States (and the Commission has alluded to this earlier), then it appears that no person associated with the Constitution Party as a "candidate or otherwise, nationally or among the states in which it was organizing actually effected the outcome of

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Att. 2, pg. 1

a federal election, nor did the various committees of the party. It was certainly their intention to provide an alternative, but due to a lack of financial support, they abandoned their efforts before they could actually do anything of significance.

Considering the dismissal of the investigations of former President Carter's campaign committee and that of President Reagan's committee, it would seem that this matter is not deserving of the attention and expense it is being given.

Very truly yours,

Louis Wilson Ingram, Jr.

March 19, 1982

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Att. 2, pg. 2

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ANSWERS TO QUESTIONS—MUR 1381

Submitted by Kenneth A. Gross
Associate General Consul
Federal Election Commission
February 22, 1982

1. Yes. (The most accurate answers to questions 2-11 could be obtained from William H. Harris who is chairman of the New Jersey Constitution Party. His address is: 502 Cinnaminson Street, Riverton, New Jersey 08077. His telephone is (609)829-6915.

2. I believe the name of the organization was Constitution Party of New Jersey.

3. I believe that it came into existence about January 1980.

4. I do not believe it remained active after the 1980 general election.

5. I do not know whether the organization filed with the proper State election officials.

6. I do not believe it was singly recognized as a political party in New Jersey.

7. William H. Harris as noted in question number 1.

8. I do not know. See question number 1.

9. I do not know. See question number 1 above.

10. Yes.

11. Contacts were between William H. Harris and members of the headquarters office. They related to securing ballot position for the party and formalizing a trip to New Jersey to support the work of the party.

12. For details, please see question number 1 above.

13. Donald L. Smith indicated that he wanted to run for a candidate for congress for New Jersey for the 6th district and was appointed by the chairman of the party pending State convention.

14. Yes.

15. No.

16. Mr. Smith never obtained ballot position in New Jersey, because the national office was unable to go forward with its plans to seek ballot position after April 1980.

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Att. 2, pg. 3

17. Meldrim Thomson spoke on behalf of the Constitution Party of New Jersey and Mr. Smith on a visit to New Jersey.

18. The Constitution Party was unable to continue its operations in New Jersey in the Spring of 1980.

19. No.

20. No answer.

21-1. Yes. For detailed information about the Constitution Party of Illinois, contact Harold Wilbur, past chairman, Rte. 1-Oreana, Illinois 62554.

-2. Constitution Party of Illinois.

-3. About January 1980.

-4. I do not know.

-5. I do not know.

-6. I do not know.

-7. I believe that it was Mr. Harold Wilbur, noted in question -1. above.

-8. I do not know.

-9. I do not know.

-10. Yes, on a number of occasions.

-11. Seeking ballot position or organizing and obtaining candidates.

-12. The Constitution Party was working very hard to help the officials of the party in Illinois organize and get ballot position. Meldrim Thomson made two or three trips to Illinois to help in the organizing of the party and to achieve ballot position.

22. The Constitution Party was unable to submit the necessary signatures to qualify as a party.

23. I do not believe so.

24. I believe that James H. Barrett indicated to chairman Harold Wilbur that he wanted to be a candidate to the party for the 24th district of Illinois.

25. I do not believe so.

26. I understood Mr. Barrett obtained a number of signatures to qualify as a congressional candidate of the Constitution Party.

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27. (I believe the reference here should be to Mr. Barrett and not to Mr. Smith) Maldrin Thomson made a special trip to Illinois to promote Mr. Barrett's candidacy, met with the press on his behalf, participated in TV and radio shows, and spoke at a candidates meeting for Mr. Barrett.

28. The Constitution Party was anxious to run more candidates for office in Illinois but was unable to do so when it became necessary to discontinue its operations in the Spring of 1980.

29. I do not know.

30. No answer.

31. I do not believe so.

32. No answer.

33. Maine--Constitution Party qualified for ballot position in Maine under a provision of the Maine statutes permitting a former gubernatorial candidate to elect to support a new party such as the Constitution Party. However, a State convention which was required by law to complete the qualifications, was not held at the time the party was discontinued.

Alabama--The Constitution Party did qualify for ballot position in Alabama except that it discontinued its activities.

Utah--The Constitution Party obtained the necessary petitions in the several counties to qualify but was unable to complete qualifications because it had not held a convention at the time the party ceased operations.

The Constitution Party of Wisconsin obtained its position in Wisconsin under a ruling of the Attorney General that it could succeed a prior party whose members in convention voted for the Constitution Party.

34. No, and for the reasons stated in question number 33.

35. No answer.

36. The Constitution Party had complied with the legislative requirements or obtained the necessary number of petitions to attain ballot position in the four states noted in question 33. What remained to be accomplished was relatively simple: namely, hold state conventions or complete the qualifications in other manners.

37. The Constitution Party was active in the early months of 1980 throughout the United States; primarily in efforts to obtain ballot positions, we were not active at that time in all of the states but were in many states.

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Att. 3, p. 5

38. We were working diligently to try to achieve ballot position in a large majority of the States.

39. We are researching our files for further documentation that might be helpful.

40. We have no such information.

Signed and sworn to before me
this 16th day of March, 1982

Anne S. Mason
Anne S. Mason, Notary Public
My Commission Expires February 4, 1982

Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

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Att. 2, pg. 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

On August 12, 1981, the Commission found reason to believe that your clients, the Constitution Party, Rufus Shackelford, W.A. Skees, and Bruce Wilbanks, had violated 2 U.S.C. § 441a, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering your responses and the circumstances of this matter, the Commission has determined to take no further action and close its file. The file will be made part of the public record within 30 days.

The Commission reminds you that the Constitution Party's acceptance of contributions in excess of $5,000 nevertheless appears to be a violation of the Act and that immediate steps should be taken to insure that this activity does not occur in the future.

If you have any questions, please direct them to Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Att. 3, pg. 1

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Louis Wilson Ingram, Jr.
8213 Doctor Creek Court
Alexandria, Virginia 22306

82 MAR 22 P2: 28
GENERAL COUNSEL

Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

MUR 1381
Constitution Party
Rufus Shackelford W.A. Wilbanks
Meldrim Thomson and Bruce Wilbanks

Dear Miss Tarrant:

Enclosed are the attested responses of Meldrim Thomson to the questions propounded by the Commission and transmitted in a letter from Kenneth A. Gross dated February 22, 1982.

These responses have revealed information of which I was not before aware. The Commission's "Factual Basis and Legal Analysis" dated August 14, 1981, notes on page 4 that ".. there were two candidates, running for the House of Representatives that were on the ballots as candidates of the (Constitution) Party." It appears from Governor Thomson's responses that these candidates never actually appeared on ballots This is a development which I will of course, investigate upon my return.

Governor Thomson never in fact appeared on any ballot and was never nominated by the national party in convention or otherwise. He was at most a candidate for the presidential nomination of a party which by the account of the Commission did not exist.

Inasmuch as the General Counsel insists on applying the the statutory reference to "bylaws of a political party" as a strict test of the party committee's achievment of "national committee" status it would seem only equitable that the candidate requirement be given the full breadth of its significance.

Even though Governor Thomson registered his campaign committee with the Commission, and the Constitution party registered with the Commission, I am puzzeled to understand how a person can be a candidate and not a candidate at the same time. It appears, moreover, that a party cannot exist without a "national committee" and that a national committee cannot exist without a "candidate."

Briefly, why is the Commission inquiring into this. If it is true that Barrett and Smith never appeared on the ballots of their respective States (and the Commission has alluded to this earlier), then it appears that no person associated with the Constitution Party as a "candidate or otherwise, nationally or among the states in which it was organizing actually effected the outcome of

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a federal election, nor did the various committees of the party. It was certainly their intention to provide an alternative, but due to a lack of financial support, they abandoned their efforts before they could actually do anything of significance.

Considering the dismissal of the investigations of former President Carter's campaign committee and that of President Reagan's committee, it would seem that this matter is not deserving of the attention and expense it is being given.

Very truly yours,

Louis Wilson Ingram, Jr.

March 19, 1982

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ANSWERS TO QUESTIONS--MUR 1381

Submitted by Kenneth A. Gross
Associate General Consul
Federal Election Commission
February 22, 1982

1. Yes. (The most accurate answers to questions 2-11 could be obtained from William H. Harris who is chairman of the New Jersey Constitution Party. His address is: 502 Cinnaminson Street, Riverton, New Jersey 08077. His telephone is (609)829-6915.

2. I believe the name of the organization was Constitution Party of New Jersey.

3. I believe that it came into existence about January 1980.

4. I do not believe it remained active after the 1980 general election.

5. I do not know whether the organization filed with the proper State election officials.

6. I do not believe it was singly recognized as a political party in New Jersey.

7. William H. Harris as noted in question number 1.

8. I do not know. See question number 1.

9. I do not know. See question number 1 above.

10. Yes.

11. Contacts were between William H. Harris and members of the headquarters office. They related to securing ballot position for the party and formalising a trip to New Jersey to support the work of the party.

12. For details, please see question number 1 above.

13. Donald L. Smith indicated that he wanted to run for a candidate for congress for New Jersey for the 6th district and was appointed by the chairman of the party pending State convention.

14. Yes.

15. No.

16. Mr. Smith never obtained ballot position in New Jersey, because the national office was unable to go forward with its plans to seek ballot position after April 1980.

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17. Meldrim Thomson spoke on behalf of the Constitution Party of New Jersey and Mr. Smith on a visit to New Jersey.

18. The Constitution Party was unable to continue its operations in New Jersey in the Spring of 1980.

19. No.

20. No answer.

21-1. Yes. For detailed information about the Constitution Party of Illinois, contact Harold Wilbur, past chairman, Rte. 1-Oreana, Illinois 62554.

-2. Constitution Party of Illinois.

-3. About January 1980.

-4. I do not know.

-5. I do not know.

-6. I do not know.

-7. I believe that it was Mr. Harold Wilbur, noted in question -1. above.

-8. I do not know.

-9. I do not know.

-10. Yes, on a number of occasions.

-11. Seeking ballot position or organizing and obtaining candidates.

-12. The Constitution Party was working very hard to help the officials of the party in Illinois organize and get ballot position. Meldrim Thomson made two or three trips to Illinois to help in the organizing of the party and to achieve ballot position.

22. The Constitution Party was unable to submit the necessary signatures to qualify as a party.

23. I do not believe so.

24. I believe that James H. Barrett indicated to chairman Harold Wilbur that he wanted to be a candidate to the party for the 24th district of Illinois.

25. I do not believe so.

26. I understood Mr. Barrett obtained a number of signatures to qualify as a congressional candidate of the Constitution Party.

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27. (I believe the reference here should be to Mr. Barrett and not to Mr. Smith) Waldrin Thomson made a special trip to Illinois to promote Mr. Barrett's candidacy, met with the press on his behalf, participated in TV and radio shows, and spoke at a candidates meeting for Mr. Barrett.

28. The Constitution Party was anxious to run more candidates for office in Illinois but was unable to do so when it became necessary to discontinue its operations in the Spring of 1980.

29. I do not know.

30. No answer.

31. I do not believe so.

32. No answer.

33. Maine--Constitution Party qualified for ballot position in Maine under a provision of the Maine statutes permitting a former gubernatorial candidate to elect to support a new party such as the Constitution Party. However, a State convention which was required by law to complete the qualifications, was not held at the time the party was discontinued.

Alabama--The Constitution Party did qualify for ballot position in Alabama except that it discontinued its activities.

Utah--The Constitution Party obtained the necessary petitions in the several counties to qualify but was unable to complete qualifications because it had not held a convention at the time the party ceased operations.

The Constitution Party of Wisconsin obtained its position in Wisconsin under a ruling of the Attorney General that it could succeed a prior party whose members in convention voted for the Constitution Party.

34. No, and for the reasons stated in question number 33.

35. No answer.

36. The Constitution Party had complied with the legislative requirements or obtained the necessary number of petitions to attain ballot position in the four states noted in question 33. What remained to be accomplished was relatively simple: namely, hold state conventions or complete the qualifications in other manners.

37. The Constitution Party was active in the early months of 1980 throughout the United States; primarily in efforts to obtain ballot positions, we were not active at that time in all of the states but were in many states.

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38. We were working diligently to try to achieve ballot position in a large majority of the States.

39. We are researching our files for further documentation that might be helpful.

40. We have no such information.

Signed and sworn to before me
this 16th day of March, 1982

Anne S. Mason
ANNE S. MASON, Notary Public
My Commission Expires February 2, 1982

Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

8204032267

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

8204032

Marybeth Tarrant
Federal Election Commission
Washington, D.C 20463

GCC# 7371 200826

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82 MAR 17 P2:48

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

LOUIS WILSON INGRAM, JR.
8213 Doctor Creik Court
Alexandria, Virginia 22306

Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

MUR 1381
Constitution Party,
Rufus Shackelford W.A. Skees,
Bruce Wilbanks

Dear Miss Tarrant.

This will confirm our phone conversation of Monday, March 15 1982, concerning response to questions in the above referenced matter propounded by the Commission and transmitted to me in a letter from Kenneth A. Gross dated February 22 1982. Based upon the date on which I took delivery of the letter, fifteen days expired on Thursday, March 11.

I forwarded the questions to Governor Thomson the day after I received them (Wednesday, February 24th) and spoke with him the following Saturday by which time he had not yet received my letter We spoke again the next Tuesday and I urged him to prepare the responses as soon as possible and to do so in affidavit form. He enumerated a number of scheduling problems that would prevent him from addressing the questions until the week of the 8th.

We later spoke again and I attempted to call you on Friday, March 12th to explain the delay. On that date you were on vacation. This Monday I succeeded in reaching you.

Since our conversation, I have spoken to the Governor and he assured me that would mail the responses bnack to me this week by express mail. Based on that I will forward them to you before I leave on a two week business trip this coming Saturday. Should there be any slip between the cup and the lip, I will call you Friday.

One point I would like to make is that if the Governor does in fact put the responses in affidavit form then we must insist that any testimony to the contrary be similarly formalized. From our point of view, the applicability of 18 USC 1001 is insufficient.

Thank you for your assistance.

Very truly yours,

Louis Wilson Ingram, Jr.

16 March 1982

8204032469

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 22, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381
Constitution Party, Rufus
Shackelford, W.A. Shoss
Bruce Wilbanks

Dear Mr. Ingram:

On August 14, 1981, your clients were sent notification that the Commission had found reason to believe that they had violated 2 U.S.C. § 441a. An investigation of this matter is being conducted, and it has been determined that additional information from you is necessary. Therefore, we ask that you answer the attached questions. In addition, please furnish any supporting documentation for your answers.

Please provide the requested information within fifteen days of receipt of this letter. If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure

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1581

1. The following service is requested (check one)

☐ Show to whom and date delivered

☐ Show to whom, date and address of delivery

☐ RESTRICTED DELIVERY

Show to whom and date delivered

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Louis Wilson Ingram

Alexandria, VA 22304

3. ARTICLE DESCRIPTION

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

9251640

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE | Addressee | Authorized agent

4. DATE OF DELIVERY

2-24-82

5. ADDRESSEE (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

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Questions - MUR 1381
Constitution Party

1. Was the Constitution Party formally organized in the state of New Jersey in 1980?

   If so, please answer questions # 2-11.
   If not, please go to question # 12.

2. What was the name of this organization?

3. When did it come into existence?

4. Did it remain active after the 1980 general election?

5. Did such an organization file with the proper state election officials?

6. Was such an organization formally recognized as a political party in the state of New Jersey? If so, please give the date.

7. Who organized the Constitution Party within the state of New Jersey?

8. How did the organization operate within the state of New Jersey?

9. Who were the officers of this organization in 1980?

10. Was there any contact between this organization and the "national headquarters" in Concord, New Hampshire?

11. If so, please describe the nature of these contacts.

12. Please describe the activities of the Constitution Party within the state of New Jersey in 1980?

13. How was Donald L. Smith selected as the congressional candidate of the Constitution Party in the 6th district of New Jersey?

14. Was the "national headquarters" of the Constitution Party aware of Mr. Smith's candidacy?

15. Was Mr. Smith nominated by means of a nominating petition?

16. What procedures did Mr. Smith go through in order to qualify on the general election ballot?

17. What did the Constitution Party do to promote Mr. Smith's candidacy?

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18. Why did the Constitution Party run only 1 candidate for federal office within the state of New Jersey?

19. Did any other members of the Constitution Party run for state office in New Jersey?

20. If so, please state their names and the office sought.

21. Please answer question #1 in regard to the state of Illinois. Depending on your answer to #1, proceed to answer either questions #2-11 or #12 with regard to the state of Illinois.

22. Did the Constitution Party in Illinois petition to form a new party in 1980 by submitting 25,000 signatures of qualified voters?

23. Did the Constitution Party in Illinois become an "established political party" pursuant to Illinois state law?

24. How was James H. Barrett selected as the congressional candidate of the Constitution Party in the 24th district of Illinois?

25. Was Mr. Barrett nominated by means of a nominating petition?

26. What procedures did Mr. Barrett go through in order to qualify on the ballot as a candidate of the Constitution Party?

27. What did the Constitution Party do to promote Mr. Smith's candidacy?

28. Why did the Constitution Party run only 1 candidate for federal office within the state of Illinois?

29. Did any other members of the Constitution Party run for state office in Illinois?

30. If so, please state their names and the office sought.

31. Did Meldrim Thomson ever appear on any ballot as a candidate of the Constitution Party?

32. If so, please state where and the office sought.

33. Please describe the procedures the Constituion Party went through in order to obtain ballot position in these states: Maine, Alabama, Utah and Wisconsin.

34. Did any candidates of the Constitution Party appear on any ballots in the above-mentioned states?

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35. If so, please state their names and the office sought.

36. If not, please explain what you mean when you say that the Constitution Party achieved ballot position in these states.

37. Was the Constitution Party active throughout the United States during the 1980 general election?

38. If not, please say why.

39. Please provide any documentation which supports your answers to these questions.

40. Please provide any information and/or documentation which demonstrates that the Constitution Party nominated a candidate for federal office whose name appeared on the election ballot as the candidate of the Constitution Party.

8204032224174

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER JC

DATE: FEBRUARY 23, 1982

SUBJECT: MUR 1381 - Comprehensive Investigative Report #1 signed February 19, 1982

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, February 22, 1982.

There were no objections to the Investigative Report at the time of the deadline.

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February 19, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1381

Please have the attached Comprehensive Investigative Report #1 distributed to the Commission on a 24 hour no objection basis. Thank you.

Attachment

cc: Tarrant

32040322476

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 FEB 19 P3: 53

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Constitution Party | ) | |
| Rufus Shackelford | ) | MUR 1381 |
| W.A. Skees | ) | |
| Bruce Wilbanks | ) | |

8204032477

Comprehensive Investigative Report #1

On August 12, 1981, the Commission found reason to believe that the Constitution Party ("the Party") had violated 2 U.S.C. § 441a(f) by accepting excessive contributions from Rufus Shackelford, Bruce A. Wilbanks and W.A. Skees. In addition, the Commission found reason to believe that these three contributors had violated 2 U.S.C. § 441a(a)(1)(C). Both Messrs. Shackelford and Wilbanks contributed $20,000 to the Party and Mr. Skees contributed $10,000. All the respondents were found to be in violation of the Act because the Party did not appear to qualify as a national committee of a political party. Thus, it had to be assumed that the Party could only receive individual contributions of $5,000 per individual per calendar year.

On September 14, 1981, this office received a letter from Louis Ingram, counsel for the respondents, which briefly touched on what his response to the RTB findings would entail. On October 1, 1981, this office received a request from Mr. Ingram for an extension of time in order to prepare his response. The Comission granted an extension until November 2, 1981.

On October 30, 1981, Mr. Ingram submitted a partial response but requested another extension of time. The Commission granted

an extension until November 16, 1981. On November 19 and 25, 1981, this office received the remaining documents which constitute Mr. Ingram's complete response.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the by-laws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

> In a number of advisory opinions the Commission has, by application, explained the definitional criteria used to determine whether or not an organization qualifies as a "national committee." Those opinions required that beyond the mere creation of a political party by adoption of bylaws, an organization must demonstrate that it operates at the national level by nominating candidates for various Federal offices in numerous states; by engaging in such activities on an ongoing basis, rather than with respect to a particular election, through voter registration and get-out-the-vote drives, providing speakers, or organizing volunteer workers; and by publicizing issues of importance to the party and its adherents throughout the United States. Other indicia include holding a national convention and the establishment of State affiliates of the national political party. Advisory Opinion 1980-131. See Advisory Opinions 1980-121, 1980-96, 1980-3, 1978-58, 1976-95, 1975-129.

In Advisory Opinion 1980-3, the Commission determined that the Executive Committee of the Citizens Party would qualify as the national committee of a political party when verification was obtained that the name of a Citizens Party candidate for federal office appeared on a state's ballot as the candidate of the

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Citizens Party. This determination was based on the assumption that the Citizens Party proceeded on a continuing basis with implementing its stated plans with regard to party-building activities. After reviewing and analyzing Mr. Ingram's response, it appears that while the Party did engage in activity similar to that of the Citizens Party, we still do not have verification that the two congressional candidates who appeared on ballots in Illinois and New Jersey as Constitution Party candidates 1/ were nominated by the Party as contemplated by 2 U.S.C. § 431(16).

Mr. Ingram's response claims that since section 431(16) is silent on nominational method and organizational construct, the mere existence of two such candidates automatically qualifies the Party as a political party. However, neither the method by which these candidates secured the Constitution Party label nor the existence of a state Constitution Party in either Illinois or New Jersey is mentioned in Ingram's response. Indeed, it appears that had it not been for the Commission's mention of them, the existence of these candidates would have remained unknown to the

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1/ According to the official 1980 general election vote returns as published by Congressional Quarterly, it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

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Party. This seems even more plausible when considered with all the evidence that indicates the Party became virtually inactive after Governor Thomson's withdrawal from the campaign in April, 1980. Plans are now underway to formally organize a new Constitution Party.

In addition to his central argument that the Party was the "national committee of a "political party," Mr. Ingram tries to vindicate Messrs. Shackelford, Skees and Wilbanks by stating that they all acted in that belief or rather that they were aware of "facts" which would lead reasonable men to such a conclusion. These facts, according to Mr. Ingram, are:

(1) there was a national political party comprised of various state parties under the banner of the Constitution Party;

(2) the national Constitution Party was directed by a National Committee comprised of an Executive Committee, officers, and staff employees;

(3) the National Committee established a national headquarters office in Concord, New Hampshire;

(4) the National Committee performed, on a daily basis, all the functions normally associated with the national committees of newly established parties, including the coordination of its various affiliated state committees;

(5) the National Committee formed state affiliates in 29 states; some of these affiliates were merely organizing committees, others developed to the point of becoming state committees as contemplated by § 431(15);

(6) the most important concern of the Party was to achieve ballot position throughout the states and to this end they were successful in Maine, Alabama, Utah and Wisconsin as of April, 1980;

(7) one or more of the state committees of the Constitution Party nominated candidates for federal office which nominees appeared on the ballots in their respective states under the name of the Constitution Party;

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(8) the National Committee called a National Convention subject to site selection and other formative details, but said Convention was subsequently cancelled when the party founder withdrew from the primary election campaign creating a leadership vacuum;

(9) the National Committee operated under constructive bylaws comprised of Roberts Rules of Order and public policy, and had, moreover, proforma bylaws awaiting adoption at the Party's first national organizing convention;

(10) the Thomson for President Committee was engaged in a primary election campaign for the presidential nomination of the Constitution Party;

(11) the contributions, expenditures, records and reports of the Thomson for President Committee and the National Committee of the Constitution Party were at all times distinct and separate;

(12) the National Committee of the Constitution Party did not contribute to the Thomson for President Committee;

(13) the National Committee of the Constitution Party used its funds exclusively for the promotion and development of the Party on a state and national basis;

(14) Respondents Shackelford, Skees and Wilbanks had no information, and could not have reasonably obtained such information at the time of their contributions other than through the direct inquiries which were made, which would have alerted them to the issues subsequently raised by the Commission; and

(15) the contributions in question were solicited in order to underwrite the costs of a Party advertisement in the Wall Street Journal.

To substantiate these facts, Mr. Ingram furnished affidavits from W. A. Skees, Acting State Chairman of the Party in Texas, Bruce A. Wilbanks, a member of the Executive Committee of the Constitution Party of Texas, Meldrim Thomson, founder of the Party and candidate for the Presidential nomination of the Party, Catherine D. Boudreau, office manager for the offices of both the Party and the Thomson for President Committee, Douglas R. Bourdon, legal advisor to the Party, Joseph H. Deoss, accountant

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for both the Party and the Thomson campaign, Harvey Hawkins, member of the Committee of 56 which was the forerunner of the Party and also the National Director of Ballot Position, and Rufus Shackelford, Chairman of the Thomson for President Committee and one of the organizers of the Florida Constitution Party. In addition, Mr. Ingram submitted a statement on political parties by George Carey, Ph.D., a Professor of Government at Georgetown University. Other exhibits included a certificate of incorporation for the Constitution Party of Wisconsin, charter of the Constitution Party of Georgia, roster of the National Advisory Committee, newspaper advertisements for the Party which were paid for by the Party, press releases concerning state organizational meetings and a letter from the California Constitution Party to its respective election commission.

However, regardless of these "facts", more information is needed by this office before we can recommend a finding of probable cause to believe or no probable cause to beleive . As Governor Thomson did not have any primaries to enter and withdrew his candidacy before the general election, it seems he did not appear on any election ballots. In researching ballot access laws in Illinois and New Jersey, it appears that both candidates who were identified with the Constitution Party could have gotten on the ballot without the formal backing of a state Constitution Party organization. Moreover, we have no evidence of the existence of Constitution Party organizations in these two states. With this in mind, the Office of General Counsel has

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sent questions to Mr. Ingram. Hopefully, his response will enable this office to determine whether or not the Party is a "political party" with a "national committee". As we expect Mr. Ingram to respond within a relatively short period of time, this office hopes to submit a General Counsel's Brief within 45 days and to make a recommendation to the Commission within two months.

2-19-82
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

82040322483

Doc#5852

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

November 20, 1981

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

Enclosed, per reference in my letter dated November 16, 1981, are three items (1) the affidavit of Rufus Shackelford and (2) the statement of Dr. George Carey.

I have discovered several of items which were intended as exhibits within an affidavit of one of the party employees in New Hampshire, but to which reference was inadvertantly omitted. I submit them herewith as (3) Supplemental Exhibits illustrating typical materials in the files of the National Committee of the Constitution Party.

Thank you again for your consideration of these statements and materials.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

encl:
Statement of Dr. George Carey
Affidavit of Rufus Shackelford
Supplemental Exhibits

cc.
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Miss Marybeth Tarrant

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81 NOV 25 P12:23
81 NOV 25 P4:02
GENERAL COUNSEL

STATE OF FLORIDA )
)
) AFFIDAVIT OF RUFUS SHACKELFORD
COUNTY OF MANATEE ) FEC MUR 1381

PERSONALLY APPEARED BEFORE ME RUFUS SHACKELFORD WHO, BEING SURELY IDENTIFIED AND DULY SWORN, SAITH:

I was the Chairman of the (Meldrin) Thomson for President Committee. Mr. Thomson was seeking the presidential nomination in the 1980 primary election of the Constitution Party of which he was also the Founder.

I had been present at the formative meetings of the Constitution Party beginning in Chicago Spring 1979 with the Committee of 56, and progressing toward the formation of the Executive Committee of the National Party itself.

My principal role as Campaign Chariman was to accompany Mr. Thomson on his appearances in many states for various meetings principally devoted to the organization of the Party in those states. The Constitution party was being actively organized in at least 19 states of which I had personal knowledge, it was my understanding from National Headquarters, at least 11 other states were being organized, if indeed I did not accompany the Founder to each jurisdiction.

As Campaign Chairman, I had occasion to visit the campaign office in Concord, New Hampshire, and, at the same time, saw first hand the activities of the Party's National Committee staff. I am well acquainted with Frank Shelton who was the Chairman of the National Committee; I have worked with Mr. Shelton in earlier third party organizational activities.

On my visit to the Party Headquarters, it was obvious from the flurry of activity that detailed attention was being given on a daily basis to the most minute aspects of the party's organization and development both nationally and at the state levels.

As a participant in the development of the Florida Constitution Party, I can attest to the fact that we were largely dependent for direction on the communiques from Concord.

On one of my visits to Concord, I was asked to make a maxium constribution to the Party organizing effort. I was assured that the Party funds were entirely segregated from those of the Campaign and, moreover that Party funds were not being used to defray the costs of the campaign of Governor Thomson for the Party's nomination.

I also inquired about the Party's compliance with applicable Federal election laws and regulations, and I was advised that the Party was in full compliance and that there was no need for concern on that score.

On the basis of these assurances, and seeing no evidence that would in view of my earlier third party experience, lead me to a contrary conclusion I agreed to make and did at that time make a contribution of $20,000 to the National Committee of the Constitution Party.

81 NOV 25 P12: 24

AFFIDAVIT OF RUFUS SHACKELFORD MUR 1381

The Executive Committee of the Constitution Party , on which I served was concerned about the structuring of the Party, and each of us were mindful that, as a practical matter, the Party would have to adopt bylaws and operational rules early in its convention process.

Due largely to the singleness of purpose in forming a Party which would offer uncompromising support for our historic Constitution, there were no significant struggles among the members of the Executive Committee, nor among the state organizations. For this reason, the immediate need for standing rules was not compelling, in that sense. As is the case with all committees and organizations, we operated tacitly under Roberts Rules of Order and public policy, and that filled any immediate need there might have been.

Our affiliated committee for the Georgia Constitution Party had adopted specific bylaws, as had several other state committee, and we were in general agreement that those bylaws would be temporarily adopted as the bylaws of the National Committee and Party.

Each member of the Executive Committee was aware of the One Man, One Vote rule, and ultimately delegate strength from our many state parties would have been adjusted to reflect that, although one can imagine that at the first convention there might be some abberations on its actual application.

At the time my maxium contribution was solicited by party leaders in Concord, they pointed out the need for publicizing and noted that they had selected the Wall Street Journal as the most cost effective medium for the Party promotion. Subsequent to my contribution an ad did indeed appear in the Journal, which ad was directed exculusively to the development of the Party and not to the Thomson for President campaign.

I did not have any idea that the Constitution Party National Committee was not, in the view of the Commission, qualified to accept contributions up to $20,000. In fact, I believe today that it operated in a manner which is undisputbly that in which a National Committee of a political party would be expected to operate, and in my own experience does indeed operate.

The suggestion, moreover, that the Constitution Party was a vehicle for the Thomson campaign for President is entirely erroneous. It is quite true that if the Governor had been nominated, the National Committee would have, funds being available, underwritten a portion of the general election campaign, but the Campaign of which I was Chairman was a primary election campaign and the Executive Committee scrupously maintained a non-commited stance with regard to potential and actual candiates.

Rufus E. Shackelford

Rufus E. Shackelford

SUBSCRIBED AND SWORN TO BEFORE ME
this 18th day of November 1981

Notary Public

Notary Public, State Of Florida At Large
My Commission Expires Jan. 21, 1984
Bonded By [illegible] Insurance Company of America

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

NORTHERN VIRGINIA, VA 220
PM
16 MAR
1992

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Marybeth Tarrant
Federal Election Commission
Washington D.C 20463

BEFORE THE

FEDERAL ELECTION COMMISSION
Washington, D.C.

MUR 1381

SUPPLEMENTAL EXHIBITS

Submitted by
Louis Wilson Ingram, Jr.
Attorney at Law

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81 NOV 25 P12: 24

## SUPPLEMENTAL EXHIBITS

I. Certification of Incorporation of the titution Party of Wisconsin

II. Charter of the Constitution Party of Georgia

III. Roster of the National Advisory Committee of the National Committee of the national Constitution Party

IV. Party Advertisment appearing Bangor, Maine, without reference to Thomson campaign and paid for by the National Committee

V. Party Advertisment appearing in Review of the News without reference to Thompson campaign and paid for by the National Committee

VI. Newspaper article from Manchester (N.H.) Union Leader noting ballot position Maine for the Constitution Party

VII. Press Release announcing the organizational meeting of the Constitution Party in Maryland

VIII. Press Release announcing the organizational meeting of the Constitution Party in Michigan

IX. Letter from Wisconsin Constitution Party to Wisconsin Elections Commission

X. Letter from California COnstitution Party to California Chief of Elections

XI. Letter from Meldrim Thomson to Daniel Crisp in which Mr. Thomson referrs to himself as "a" candidate rather than "the" candidate

These Exhibits were all drawn from the files of the National Committee headquarters in Concord, New Hampshire, and demonstrate the scope and detail of activities of the National Committee of the Constitution Party.

8204032289

Party

Deans 10/16/87

# United States of America

## State of Wisconsin

Office of Secretary of State

## To All to Whom These Presents Shall Come:

*The undersigned, as Secretary of State of the State of Wisconsin, hereby certifies that on* Jan. 18, 1980 *Articles of Incorporation were filed in my office under the provisions of Chapter 181 of the Wisconsin Statutes, for the following corporation formed*

**WITHOUT STOCK AND NOT FOR PROFIT:**

*Name:* Constitution Party of Wisconsin, Corporation

*Principal Office:* Route #2, Box 65, Viola, WI 54664

*Purposes for which organized:* to promote the ideals and purposes of the National Constitution Party

*I further certify that a certificate has been filed in my office to the effect that a duplicate of said Articles, bearing my certificate, was recorded in the office of the Register of Deeds of* Vernon *County, Wisconsin, on* Jan. 29, 1980

*THEREFORE,* The State of Wisconsin *does hereby grant unto the said corporation the powers and privileges conferred by the Wisconsin Statutes for the purposes stated and in accordance with said Articles.*

*In Witness Whereof, I have hereunto set my hand and affixed my official seal, at Madison, on* March 10, 1980

VEL PHILLIPS
SECRETARY OF STATE

8204032241 90

I

Party.

P.O. Box 1198
Riverdale, Georgia
30274

Dem
10/10/81

CHARTER OF THE CONSTITUTION PARTY OF GEORGIA

I

NAME

The name of this political organization shall be known as THE CONSTITUTION PARTY of Georgia, a political body under the laws of Georgia, until such time as the organization qualifies as a political part, under the laws of Georgia.

II

ORGANIZATIONAL MEETING

This charter of THE CONSTITUTION PARTY OF GEORGIA is hereby certified as the official charter of THE CONSTITUTION PARTY OF GEORGIA as adopted by the State executive committee of THE CONSTITUTION PARTY OF GEORGIA in organizational meeting, held in Macon, Georgia on October 17, 1976.

III

GENERAL PURPOSES

The General Purposes of THE CONSTITUTION PARTY OF GEORGIA shall be to restore the UNITED STATES CONSTITUTION to its proper place as the supreme authority regulating the operation of our federal government thereby saving our Republic from almost certain destruction.

Political Parties exist to provide vehicles through which the people, in a free society, may express themselves. It is the obligation of political parties to offer alternatives to the voters on areas issues of public concern. True representative government may be achieved only through free public selection from a wide range of alternatives on important issues. When existing political vehicles no longer offer viable alternatives to the voters, then in the interest of representative government, a new vehicle must be created. THE CONSTITUTION PARTY has been formed to ensure the voters the necessary choices in determining representative public policy.

A new party is urgently needed today because the leaders of the two existing parties, Democrat and Republican, have deserted the principles and traditions of our nation's founders, Jefferson. Both of these existing parties have accepted the concept of big government, crushing taxation, dictatorial judicial power, wanton fiscal irresponsibility, unwholesome and disastrous internationalism, [illegible] our nation's economy, and authoritarian regimentation of the citizens of this republic. Under the domination of these two existing parties, control of the government has been taken away from the people that our government was created to serve.

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II

## PRINCIPLES

[illegible] of the CONSTITUTION PARTY OF GEORGIA hereby declare that the [illegible] of the CONSTITUTION PARTY OF GEORGIA are:

Section 1. GOD IS OUR FOUNDATION. Those authoring this Constitution declare the Constitution Party to have been brought into existence upon the foundation of its [illegible] belief in Almighty God and in Jesus Christ, upon their total commitment to the [illegible] counsel of God's Word, and upon their determination that the Constitution Party shall function, so long as it shall endure, in conformity with His Will. The Constitution Party is and shall remain a political entity which is [illegible] Christ-oriented. It is our fervent hope that God will use the Constitution Party to bless and save our free Republic.

Section 2. MAN AND GOVERNMENT

a. CONSTITUTION

[illegible] the Constitution Party believe that the original United States Constitution and the Bill of Rights were prepared and adopted by men acting under inspiration from Almighty God; that they are solemn compacts between the people of the states of this nation which all officers of government are under oath to obey, and that the eternal moral law expressed therein must be adhered to by individuals and nations, will perish.

b. LIMITED GOVERNMENT

[illegible] the Constitution Party believe it a violation of the Constitution for government to deprive the individual of his life, liberty or property, except for [illegible] reasons: (1) to punish crime and provide for the administration of justice; (2) to provide for the nation's defense; (3) to compel each one who enjoys the protection of government to bear his fair share of the burden of providing for [illegible].

c. STATE SOVEREIGNTY

[illegible] of THE CONSTITUTION PARTY OF GEORGIA believe that the [illegible] government of these United States should be restricted to only those [illegible] permitted by the Constitution and that the relation of each [illegible] to the states or the people as required by the Tenth [illegible] to the Constitution.

Section 3. FISCAL RESPONSIBILITY

[illegible] of the Constitution Party of Georgia supports fiscal responsibility at all levels of government, and necessary revisions in the state and federal tax structure to reduce the present crushing burden of taxation, the [illegible] of [illegible], the protection of property rights from arbitrary government encroachment, and preservation of law and order, and the authority of local law enforcement officers to cope with crime at the local level.

Section 4. FOREIGN POLICY

[illegible] the CONSTITUTION PARTY OF GEORGIA supports a foreign policy based on [illegible] world opinion, preservation of our national [illegible], and total support of our armed forces [illegible] our flag. The CONSTITUTION PARTY OF GEORGIA [illegible]

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(Section continued)

[illegible] liberation of captive nations, and [illegible] opposition to any aid or [illegible] to communist countries or nations aiding and abetting such communist nations.

Section 5. MORALITY
THE CONSTITUTION PARTY OF GEORGIA supports America's traditional concept of morality, recognizing that America's development as a free nation has been providential, guided by the laws of God.

Section 6. ALLEGIANCE TO GOD
THE CONSTITUTION PARTY OF GEORGIA affirms total allegiance to God, the state of Georgia, and to the United States of America, and opposition to all concepts or governments which deprive man of life, liberty, and the pursuit of happiness.

UPON THESE PRINCIPLES AND SUCH PLATFORMS THAT MAY BE ADOPTED BY STATE CONVENTIONS, THE CONSTITUTION PARTY OF GEORGIA OFFERS ITS CONTRIBUTIONS TO THE CITIZENS AND VOTERS OF THE SOVEREIGN STATE OF GEORGIA.

V

PARTY ORGANIZATION

Section 1. GENERAL
The Georgia Election Code provides for a State executive Committee and A County executive Committee with certain legal powers, duties and responsibilities. Within this Charter of THE CONSTITUTION PARTY OF GEORGIA and Rules written in accord with this Charter, such powers, duties and responsibilities granted to state and County executive Committees by the Georgia Election Code shall be exercised by respective State and County Central Committees.

For the purpose of the Charter and Rules written in accord with this Charter, the State, District and County executive Committees shall refer to the Officers of the respective Central Committee. In such case the executive Committee as provided for in this Charter, and Rules written in accord with this Charter, shall be subordinate to the Central Committee, which exercises the powers, duties and responsibilities provided for in the Georgia Election Code.

Section 2. ORGANIZATIONAL STRUCTURE

A. CONVENTIONS
1. GENERAL
(a.) The State, District and County Conventions of THE CONSTITUTION PARTY OF GEORGIA shall be the supreme governing bodies of this political organization.
(b.) THE CONSTITUTION PARTY OF GEORGIA shall hold Conventions in the State, Congressional District and County in which it has organized in accordance with Party Rules, at least once each two years in the twelve months preceding the Georgia General Election, at a time and place as specified by such respective Central Committees.
(c.) Delegates to such Conventions shall be selected and certified as prescribed by Party Rules except that they shall be apportioned in such manner as will as nearly reflect the number of electors residing within the political subdivisions so represented in accordance with the last United States decennial census. For State and District Conventions, each County within such geographic area shall have

Resolution, continued

Each of the several members of the District and County Central Committees shall be qualified electors of the State of Georgia and the respective District or County and shall be a member in good standing of THE CONSTITUTION PARTY OF GEORGIA.

VI

PRINCIPAL OFFICE

The principal office of THE CONSTITUTION PARTY OF GEORGIA shall be located at Forest Park, Georgia and such other places as from time to time the State Central Committee shall select.

VII

STATE CENTRAL COMMITTEE MEMBERS

CHAIRMAN Carl Thompson, Carl Thompson
9424 White Drive, Forest Park, Ga. 30050

1ST VICE-CHAIRMAN..... Martha Andrews
[illegible] Sunnybrook Drive, Atlanta, Ga. 30033

2ND VICE-CHAIRMAN..... Mr. O. H. Alcorn
[illegible] St. John Avenue, Savannah, Ga. 31404

SECRETARY..... Jack Baldinger
[illegible] Dunham Drive, Jonesboro, Ga. 30236

TREASURER..... Mr. R. F. Brannon, Sr.
P.O. 7003 Concord Road, Savannah, Ga. 31410

CHAPLAIN..... Mr. W. H. Godsson
[illegible]87 Kilarney Road, Decatur, Ga. 30032

COMMITTEEMEN AT LARGE

Francis McCall, 1[illegible] Peachtree Way, Atlanta, Ga. 30[illegible]
Allen Pauling, 4191 O'Hara Road, Forest Park, Ga. 30050
Ken Pauling, 2304 Westerly Court, Jonesboro, Ga. 30236
Laura McCall, 1[illegible] Peachtree Way, Atlanta, Ga. 30[illegible]
Mildred Miller, 13 E. Gwinnett Street, Savannah, Ga. 31401
Dr. Irvin Penning, 4030 N. Stratford Road, Atlanta, Ga. 30342
Charles Pauling, 2304 Westerly Court, Jonesboro, Ga. 30236
Betty Sian, 225 Johnson Road A-41D, Forest Park, Ga. 30050

[illegible] day of [illegible] 1974
[illegible]

II d

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[illegible] Chairman)

[illegible] delegates to such Convention.

(d) Notice of the date for holding such convention shall be published in a newspaper having a general circulation within the area affected, at least [illegible] prior to the date of such convention. Such notice shall also state the [illegible] for which the convention has been called.

(2) STATE CONVENTIONS

The State Convention shall have the sole power to amend the State Charter. The State Convention may adopt such Party Rules as are necessary for the proper functioning of THE CONSTITUTION PARTY OF GEORGIA.

Such body shall also elect officers of the State Central Committee, National Committeemen and Delegates to the National Presidential Nominating Convention. It shall nominate the Presidential Electors, State wide Candidates for public office, and candidates for any state, district or county office for the area where no Party organization exists.

(3) DISTRICT AND COUNTY CONVENTIONS

The District and County Conventions may adopt such rules and regulations as are [illegible] for the proper functioning of such party organization. It shall elect officers of the respective Central Committee, Committeemen at Large, and Delegates to the next higher Convention. It shall also nominate Candidates for public office from those election districts wholly contained within such area of jurisdiction of the respective committee.

(4) NOMINATION OF CANDIDATES

(a) The State, District and County Conventions shall nominate the candidates for public office from those election districts wholly contained within such area of jurisdiction, except that the lowest Party jurisdiction containing the above shall exercise such nominating authority.

(b) Conventions held for the purpose of nominating candidates for public office shall be held at least 90 days prior to the date on which [illegible] are elected.

(c) A certified copy of the minutes of the convention which nominated a candidate, attested to by the Chairman and Secretary of such convention, must be filed by the nominee with his notice of candidacy.

(d) Nothing within this section shall prevent nomination of substitute candidates by appropriate committees of THE CONSTITUTION PARTY OF GEORGIA.

(e) No candidate shall be nominated by THE CONSTITUTION PARTY OF GEORGIA unless such candidate supports the permanent principles of THE CONSTITUTION PARTY OF GEORGIA.

(f) Any vacancy happening in a nomination of the Constitution Party or filled by reason of death, disqualification or withdrawal of any candidate after nomination, shall be filled by a substitute nomination made by the State, District or County Central Committee which had jurisdiction over the original nomination.

E. GENERAL

The organization of THE CONSTITUTION PARTY OF GEORGIA shall consist of a State National Committee which shall exercise jurisdiction and control over the affairs of THE CONSTITUTION PARTY OF GEORGIA between State conventions.

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IIe

In each of the several Congressional Districts of the State of Georgia, there shall be a District Central Committee which shall exercise district-wide jurisdiction and control over the affairs of THE CONSTITUTION PARTY OF GEORGIA in their respective district between District Conventions.

In each of the several Counties of the State of Georgia, there shall be County Central Committees which shall exercise county-wide jurisdiction and control over the affairs of the CONSTITUTION PARTY OF GEORGIA in their respective counties between County Conventions.

The State Central Committee and the respective District and County Central Committees shall establish and maintain such other committees as the Party may, from time to time, deem advisable.

The State Central Committee and District and County Central Committees established under this Charter and Party Rules shall be the Chief Executive Committee and shall determine the manner of selection of members for the various committees selected from time to time, except that each such committee created shall have a Chairman presiding, a secretary and such other officers as the State Central Committee shall deem advisable.

4. STATE CENTRAL COMMITTEE

The State Central Committee shall formulate, adopt, amend and promulgate the rules and regulations consistent with the state law, governing the conduct of the conventions and affairs of THE CONSTITUTION PARTY OF GEORGIA.

A duly certified copy of the Party Rules and regulations, signed by the Chairman, of the State Central Committee shall be filed with the Secretary of State.

The State Central Committee Committee may elect replacements for those state officers, National Committeemen and Delegates to National Nomination Conventions that shall become vacant because of death, resignation or removal of such officer, Committeeman or delegate.

Each of the several members of the State Central Committee shall be duly registered and qualified electors of the State of Georgia and a member of THE CONSTITUTION PARTY OF GEORGIA in good standing.

5. DISTRICT AND COUNTY CENTRAL COMMITTEES

District and County Central Committees shall be organized in each of the several Congressional Districts and Counties of the State of Georgia. The District and County Central Committees shall formulate, adopt, amend and promulgate rules and regulations, consistent with state law and Party Rules and regulations of the State Central Committee, governing the conduct of conventions and other Party affairs. A duly certified copy of the Rules and Regulations signed by the Chairman of the County Central Committee shall be filed with the Judge of the Probate Court of the respective County.

II-f

8204032496

Party

10/16/81

NATIONAL ADVISORY BOARD of the CONSTITUTION PARTY

Re Meeting Tuesday, April 8, at Holiday Inn-Airport

Kansas City, Missouri

Planning To Attend

| | | |
|---|---|---|
| Bryant, Anita | confirmed | 4/4 |
| Coy, Larry | ditto | |
| Donica, Riley | confirmed | 4/3 |
| Frankland, Buddy | " | 4/1 |
| Gardner, Mickey | " | 4/2 |
| Hawkins, Ken | " | 4/3 |
| Melton, George | " | 4/3 |
| Robinson, Ben | " | 4/2 |
| Shackelford, Rufus | " | 4/3 |
| Shelton, Frank | " | 4/3 |
| Skees, Bill | " | 4/3 |
| Wilbanks, Bruce | " | 4/3 |
| Young, Judge Glen O. | " | 4/4 |

Note: Messrs Skees and Wilbank will arrive by plane on April 8, and no room reservations are required for them.

8204032497

III

NATIONAL ADVISORY BOARD of the CONSTITUTION PARTY

Re. Meeting Tuesday, April 8, at Holiday Inn-Airport, Kansas City, Missouri

Board Members Unable to Attend:

| | |
|---|---|
| Brennan, Mrs. Walter | Has a prior commitment |
| Bryden, Ellie Meyer | Recovering from recent accident (21 stitches) |
| Carrol, Dr. John | University obligations |
| Dixson, Ben | Business |
| Ingram, Louis | Has a prior commitment |
| Kubec, Dr. Anthony | Unable to contact |
| McCurry, Pastor Robt. | Has a prior commitment |
| Rowe, Gloria | Out of town (left no forwarding address) |
| Scott, Paul | Media obligations |
| Townsend, Jim | Has a prior commitment |

(Note: Letters advising of the meeting were mailed to all the board members on April 1,)

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III-6

Bangor, Maine Daily News 1-23-80

PAID POLITICAL ADVERTISEMENT

# TO ALL MAINE CITIZENS

Check where applicable

- ☐ 1. Are you tired of voting for the lesser of two evils?
- ☐ 2. Do you believe in a strong America?
- ☐ 3. Would you like to see the government have a balanced budget and stop deficit spending?
- ☐ 4. Would you like to live in a Country which lives by the guarantees given to us in our Constitution?
- ☐ 5. Are you tired of elected officials who are unresponsive to the will of the people who elected them?
- ☐ 6. Do you believe in the free enterprise system without government strangulation of business?
- ☐ 7. Are you sick of Big Brother taking care of you from the cradle to the grave?
- ☐ 8. Do you believe in local control of schools?
- ☐ 9. Are you tired of the performances of the Democratic and Republican administrations?
- ☐ 10. Are you against the murder of the unborn?
- ☐ 11. Do you believe in the right to bear arms?
- ☐ 12. Are you sick of laws that protect the criminal rather than the victim?

If you checked eight or more, you will want to know about the Constitution Party of Maine. The Constitution Party was founded to support the precepts of the Declaration of Independence and the fundamental truths of our Constitution. The Party should be established in all fifty states, by September, 1980.

"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation". Declaration of Independence.

MAIL TO CONSTITUTION PARTY, BOX 5000, BANGOR, MAINE 04401

PLEASE SEND ME THE FOLLOWING INFORMATION

- ☐ HOW TO REGISTER IN THE CONSTITUTION PARTY.
- ☐ HOW TO ORGANIZE COMMUNITY SUPPORT
- ☐ I WANT TO HELP WITH THE ENCLOSED CONTRIBUTION $ _____
  (Make Checks Payable to Constitution Party of Maine)

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE NUMBERS HOME _____ WORK _____

IV

Dems 10/16/81

# Citizens of Texas

## It is time to end America's Long Retreat From Greatness

Meet and Hear Governor Meldrim Thomson
Founder of the Constitution Party

**Dallas** — Wednesday, March 26, 8 PM
(Irving) Quality Inn South
215 East Airport Feeport

**Houston** — Thursday, March 27, 8 PM
Marriott Hotel Astrodome
2100 South Briaswood

**San Antonio** — Friday, March 28, 8 PM
Ramada Inn
333 N.W. Loop 410

[illegible] Concord, NH 03301, (603) 224-8080

[illegible] Federal Election Commission and in [illegible] Federal Election Commission, Washington, D.C.

[illegible] Party

[illegible] Advertisement

**The Review Of The NEWS, March 19, 1980**

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V

Party

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Dress 10/16/81

MANCHESTER (N.H.) UNION LEADER — Thursday, December 13, 1979

# Maine First State To Place Thomson on Ballot

AUGUSTA, Maine (UPI) — An obscure law was dredged up Wednesday to register a third party in Maine and make the state the first in the nation to put former New Hampshire Gov. Meldrim Thomson's name on the 1980 presidential ballot.

"We believe in the old saying, 'As Maine goes so goes the nation,'" Thomson told a news conference. "In my travels across the country I have found people are deeply concerned about the failure of the two party system in our times.

"We hope to offer an alternative party to the politics as usual," the conservative, three-term New Hampshire governor said.

Thomson's Constitution Party was given full legal recognition in Maine through the graces of a little-used law and Rev. Herman C. "Buddy" Frankland of Bangor, head of northern New England's largest Baptist following.

Frankland himself garnered slightly less than a fifth of the statewide vote in 1978 as an independent gubernatorial candidate, hoping to repeat the success of then outgoing independent Gov. James B. Longley.

**Law Allows New Parties**

He said Maine law allows presidential and gubernatorial candidates who receive more than 5 percent of the vote to form new parties without collecting the 18,000 signatures normally required.

Both Frankland and Thomson said Longley was aware of the formation of the new party and would be "welcomed with open arms" if he decided to join.

Thomson said he had campaign organizations formed in New Hampshire, California, Georgia and Florida. He said his first priorities for gaining ballot position were his home state, California, Vermont and Delaware.

He said his campaign would begin running "test" television advertisements in New Hampshire, Texas and Maine next week.

Thomson said no matter what happened at the polls next November, in the months ahead "we will have laid a firm foundation for the great principles of the U.S. Constitution" and for the birth of the Constitution Party, likening 1980 to 1854 and the founding of the Republican Party.

# PRESS RELEASE

Release Date: Immediate

Party

Thomson

1/28/81


## Thomson For President Committee

Box 1788, Concord, N.H. 03301

(Temporary phone) 603-224-4363

Peter M. Thomson,
Campaign Manager


92040322502

### NEW CONSTITUTION PARTY ORGANIZES

The initial organization meeting of the Constitution Party of Maryland will be held Monday, January 28, at 7:30 pm at the Quality Inn, 1015 York Road, Towson.

Former Governor of New Hampshire Meldrim Thomson, Constitution Party candidate for President, will attend and discuss the future of the party and his presidential plans.

Declaring that the major political parties have "consistently failed to deal effectively with national needs," Thomson will emphasize the necessity of establishing an alternative party "based upon principles, not personalities."

In his first visit to Maryland since announcing his presidential campaign, Thomson will stress the opportunity of the Constitution Party "to end America's long retreat from greatness and rebuild on a firm foundation of basic and well tested principles."

- 30 -

VII

# PRESS RELEASE

Release Date: IMMEDIATE

Party

Deposit 10/16/81


**Thomson For President Committee**

Box 1788, Concord, N.H. 03301

(Temporary phone) 603-224-4363

Peter M. Thomson,
Campaign Manager


## NEW CONSTITUTION PARTY ORGANIZES

The initial organization meeting of the Constitution Party of Michigan will be held Thursday, January 31, at 7:30 pm at the Kalamazoo Valley Community College, Kalamazoo.

Former New Hampshire Governor Meldrim Thomson, Constitution Party Candidate for President, will attend and discuss the future of the party and his presidential plans.

Declaring that the major political parties have "consistently failed to deal effectively with national needs," Thomson will emphasize the necessity of establishing an alternative party "based upon principles, not personalities."

Presidential Candidate Thomson will stress the opportunity of the Constitution Party "to end America's long retreat from greatness and rebuild on a firm foundation of basic and well tested principles."

-30-

VIII


Paid for by Thomson for President Committee

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.



82040322503

February 2, 1980

Wisconsin Elections Commission
State Capitol Building
Madison, Wisconsin

Att.: Mr. Gerald Ferwerda

Dear Mr. Ferwerda:

Please be advised that at a duly called meeting of the Conservative Party Of Wisconsin held at Madison, Wisconsin, on February 2, 1980, a quorum being present, the following resolution was moved, seconded and duly adopted:

"Be It Resolved, that the name 'Conservative Party Of Wisconsin' be changed to 'Constitution Party Of Wisconsin', effective immediately, and that the entity heretofore known as the Conservative Party Of Wisconsin hereafter cease to exist under such name; that the said Constitution Party Of Wisconsin hereby affiliates with the national Constitution Party Of America as said national Constitution Party's sole affiliate in the State of Wisconsin; and that said Constitution Party Of Wisconsin, heretofore known as the Conservative Party Of Wisconsin, hereby terminates its affiliation with the National Organization Of Independent State Parties, also known as the Independent American Party, effective immediately."

This letter is sent as an official copy and communication of the foregoing resolution by the Constitution Party Of Wisconsin on this 2nd day of February, 1980.

Very truly yours,

Constitution Party Of Wisconsin

By Joseph J. Birkenstock
Joseph J. Birkenstock, Chairman

IX

820403225 04

[illegible]
Fullerton, Calif. [illegible]

Nov. 15, 1979

Mr. William M. Durley
Chief Of Elections
111 Capital Mall
Sacramento, Calif. 95814

NOV 28 1979

Dear Mr. Durley,

This is to inform you that on Nov. 15, 1979, a caucus was held at Fullerton, Calif. for the purpose of organizing a political party under the laws of the state of California.

The political party shall be known as THE CONSTITUTION PARTY OF CALIFORNIA.

The principal address of the party shall be 1110 S. Pamona Ave. Fullerton, Calif. 92632.

The temportary officers of the CONSTITUTION PARTY OF CALIFORNIA as elected by the organizational caucus are as follows:

| | |
|---|---|
| CHAIRMAN | James H. Townsend<br>8[illegible] E. Pine St.<br>Anaheim, Calif. 92805 |
| VICE CHAIRMAN | Sue Campbell<br>1[illegible] Bilbrook Dr.<br>Fullerton, Calif. 92632 |
| TREASURER | Glenn B. Jackson<br>[illegible] E. Milliford Rd.<br>Orange, Calif. [illegible] |
| SECRETARY | [illegible]<br>[illegible] E. Calif. Blvd.<br>[illegible], Calif. [illegible] |
| CONSTITUENT AT LARGE | [illegible]<br>[illegible]<br>[illegible], Calif. [illegible] |

The Caucus passed a resolution indicating its intent to qualify as a political party pursuant to Section [illegible] of the California [illegible].

If any additional information is necessary to expedite the registration of this party as a political party in the State of California, please notify me as soon as possible.

Yours Truly,

James H. Townsend

James H. Townsend

Chairman

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X

Thomson For President Committee
CONSTITUTION PARTY
Box 1788, Concord, N.H. 03301

Deoss 10/14/81

Meldrim Thomson, Jr.
Presidential Candidate

Rufus Shackelford
Chairman

Peter M. Thomson
Campaign Manager

Joseph Deoss
Treasurer

Telephone
603-224-8080

December 10, 1979

Mr. Daniel J. Crisp
Crisp and Harrison Agency
Jacksonville, Florida

Dear Mr. Crisp,

This letter will authorize you, Daniel J. Crisp, of the Crisp and Harrison Agency to be agency of record for myself, Meldrim Thomson, Jr., a candidate for President of the United States of The Constitution Party.

You are authorized to purchase time and perform whatever media duties may be required on behalf of my candidacy.

Sincerely,

Meldrim Thomson, Jr.

MT:cdb

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XI

Paid for by Thomson for President Committee

STATEMENT OF

GEORGE CAREY, Ph.D.
Professor of Government
Georgetown University

IN CONNECTION WITH

MUR 1381

before the

FEDERAL ELECTION COMMISSION
Washington, D.C.

Professor Carey neglected to sign the statement, but his signed transmittal note is appended in lieu thereof.

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81 NOV 25 P12: 24

The reasons for the varied meanings attached to the term "political party" are readily apparent. For one, stipulative definitions of political party all too frequently are partial or limited in their scope. The most famous example of this is Edmund Burke's definition of a political party as "a body of men united, for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed." (Works I, 151) Certainly the political parties of Western European democracies can be said to resemble Burke's conception. For this reason most of them can be placed on an ideological spectrum ranging from "left" to "right," a spectrum which merely reflects the fact that their membership do share common opinions and attitudes on politically salient issues. (Duverger, Ranney) But in the United States -- the very nation which in so many ways "fathered" modern conceptions of political parties -- the two major parties certainly lack the degree of ideological cohesion characteristic of their European counterparts. (Key, Ranney-Kendall, Goldwin) From the Burkean vantage point, then, American parties are frequently characterized as "weak" and "undisciplined" associations, scarcely deserving to be called "political parties." (Burns, Schattschneider)

Still another reason for varied meanings is this: The organization and nature of political parties varies from one nation state to another. These variation, in turn, are to a great extent due to the character of the regime. For instance, in most respects there is little similarity in the organization, recruitment, and internal procedures between the parties of Western Europe and the Communist Party of the USSR and its Eastern European satellites. (Ranney, Fainsod, Macridis-Ward) The latter are ideologically controlled "one party" systems wherein the party is integrally fused into every

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fabric of the regime. (Duverger, Fainsod) What is more, both these one party and multiparty systems stand in sharp contrast to the American two party system which has a decidely distinctive character attributable in large measure to such constitutional factors as separation of powers, federalism, and modes of election. (Key, Ranney-Kendall, Goldwin)

There are, of course, differences in the internal workings between parties operating within the same nation state. This is particularly true of Western European parties with regard to such critical matters as formulating party policies, selecting candidates, disciplining members, and choosing party leaders. The reasons for these variations relate to the historical origins of the parties, their main sources of support, and their goals. Generally speaking, parties to the "left" and "right" on the political spectrum (i.e., parties that are the most ideologically oriented) are characterized by a higher degree of centralization or hierarchial control than "centrist" parties. (Duverger, Ranney)

Looking beyond these and other variations, most scholars identify one characteristic common to all modern political parties: they seek to control the apparatus of government. In the context of democratic politics and regimes there exists another <u>common</u> and <u>crucial</u> characteristic, to wit, they seek this control through an <u>electoral competition for votes</u> with other parties. One standard definition of political parties that embodies these elements is as follows: "<u>Political parties are autonomous organized groups that make nominations and contest elections in the hope of eventually gaining and exercising control of the personnel and policies of government</u>." (Ranney-Kendall,85) As such political parties can be differentiated from "interest" or

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"pressure" groups such as the AMA or the AFL-CIO which do not nominate and run candidates for elective office but rather seek to influence what government does. (Truman)

Using this definition it is relatively easy to discern the identifying characteristics and principal functions of a political party. First, a party consists of a number of people who identify themselves and are identified by others with a common name or label, e.g., Social Democrat, Republican, or Communist. Second, those who thus identify themselves are organized to the extent at least that they act willingly and cooperatively to achieve whatever the goals of the party may be. Third, by implication, their right to act in concert to achieve their common ends is recognized by the larger society of which they are members. Fourth, again by implication, certain of the party's goals can only be achieved through the mechanism of government. And fifth, the principal function and distinguishing feature of a political party is, thus, "selecting candidates and nominating for public office." (Ranney, 198)

This definition also tells us when a political movement, organization, or group "becomes" or transforms itself into a political party, namely, at that point when it selects and nominates candidates for elective political office. In this connection it is interesting to note that the birth of political parties is often the result of a spontaneous movement governed by few, if any, formal rules. Only after this initial consensus or unity breaks down, usually over unforeseen issues or rivalry between personalities, are comprehensive and formal regulations necessary to insure internal party order. (Duverger)

The emergence of the political parties in the United States

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illustrates these points. "While the Federalists and Republicans lacked the appurtanances of present-day political parties, they were true parties in the sense that they acted upon clearly formulated ideas, they had leaders of marked intellectual and political ability, and they aspired to administer the government for the benefit of sections and economic groups." (Miller, 101) While Madison was the "prime organizer and policy maker" for the emergent Republican party by his efforts in the early session of Congress, Jefferson preferred to work "behind the scenes," confining himself largely to correspondence "in organizing a militant opposition to Hamilton." (Miller 103)

The movement away from intragovernmental party organization (Congressional caucuses) to extragovernmental party organization (national conventions, state and local organizations) which took place at an increasingly rapid rate between 1800 and 1830 was necessitated by several developments the foremost of which was the need for organization and the local levels to enlist and mobilize voters. This required the formulation of rules for the governance of the complex, diversified, and decentralized parties that resulted so that they might compete effectively for control of the national government. (Ostrogorski) Over the decades these rules have necessarily become more comprehensive and complex as the political parties have grown and matured. (Ranney-Kendall, Key)

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Truman, David. The Governmental Process. New York, 1971.


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GEORGE W. CAREY
6403 Crosswoods Drive, Falls Church, Va. 22044

Dear Lou:

I hope this is what you are looking for. Certainly the material from the middle of page two to the end should be relevant.

Let me hear from you.

George

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Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

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81 NOV 25 P3:00

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

November 20, 1981

Miss Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Miss Tarrant:

Enclosed, per reference in my letter dated November 16, 1981, are three items (1) the affidavit of Rufus Shackelford and (2) the statement of Dr. George Carey.

I have discovered several of items which were intended as exhibits within an affidavit of one of the party employees in New Hampshire, but to which reference was inadvertantly omitted. I submit them herewith as (3) Supplemental Exhibits illustrating typical materials in the files of the National Committee of the Constitution Party.

Thank you again for your consideration of these statements and materials.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

encl:
Statement of Dr. George Carey
Affidavit of Rufus Shackelford
Supplemental Exhibits

cc:
Hon. John Warren McGarry, Chairman
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan

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GENERAL COUNSEL

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STATE OF FLORIDA )
)
COUNTY OF MANATEE )

AFFIDAVIT OF RUFUS SHACKELFORD
FEC MUR 1381

PERSONALLY APPEARED BEFORE ME RUFUS SHACKELFORD WHO, BEING SURELY IDENTIFIED AND DULY SWORN, SAITH:

I was the Chairman of the (Meldrin) Thomson for President Committee. Mr. Thomson was seeking the presidential nomination in the 1980 primary election of the Constitution Party of which he was also the Founder.

I had been present at the formative meetings of the Constitution Party beginning in Chicago Spring 1979 with the Committee of 56, and progressing toward the formation of the Executive Committee of the National Party itself.

My principal role as Campaign Chariman was to accompany Mr. Thomson on his appearances in many states for various meetings principally devoted to the organization of the Party in those states. The Constitution party was being actively organized in at least 19 states of which I had personal knowledge, it was my understanding from National Headquarters, at least 11 other states were being organized, if indeed I did not accompany the Founder to each jurisdiction.

As Campaign Chairman, I had occasion to visit the campaign office in Concord, New Hampshire, and, at the same time, saw first hand the activities of the Party's National Committee staff. I am well acquainted with Frank Shelton who was the Chairman of the National Committee; I have worked with Mr. Shelton in earlier third party organizational activities.

On my visit to the Party Headquarters, it was obvious from the flurry of activity that detailed attention was being given on a daily basis to the most minute aspects of the party's organization and development both nationally and at the state levels.

As a participant in the development of the Florida Constitution Party, I can attest to the fact that we were largely dependent for direction on the communiques from Concord.

On one of my visits to Concord, I was asked to make a maxium constribution to the Party organizing effort. I was assured that the Party funds were entirely segregated from those of the Campaign and, moreover that Party funds were not being used to defray the costs of the campaign of Governor Thomson for the Party's nomination.

I also inquired about the Party's compliance with applicable Federal election laws and regulations, and I was advised that the Party was in full compliance and that there was no need for concern on that score.

On the basis of these assurances, and seeing no evidence that would in view of my earlier third party experience, lead me to a contrary conclusion I agreed to make and did at that time make a contribution of $20,000 to the National Committee of the Constitution Party.

AFFIDAVIT OF RUFUS SHACKELFORD MUR 1381

The Executive Committee of the Constitution Party , on which I served was concerned about the structuring of the Party, and each of us were mindful that, as a practical matter, the Party would have to adopt bylaws and operational rules early in its convention process.

Due largely to the singleness of purpose in forming a Party which would offer uncompromising support for our historic Constitution, there were no significant struggles among the members of the Executive Committee, nor among the state organizations. For this reason, the immediate need for standing rules was not compelling, in that sense. As is the case with all committees and organizations. we operated tacitly under Roberts Rules of Order and public policy, and that filled any immediate need there might have been.

Our affiliated committee for the Georgia Constitution Party had adopted specific bylaws, as had several other state committee, and we were in general agreement that those bylaws would be temporarily adopted as the bylaws of the National Committee and Party.

Each member of the Executive Committee was aware of the One Man, One Vote rule, and ultimately delegate strength from our many state parties would have been adjusted to reflect that, although one can imagine that at the first convention there might be some abberations on its actual application.

At the time my maxium contribution was solicited by party leaders in Concord, they pointed out the need for publicizing and noted that they had selected the Wall Street Journal as the most cost effective medium for the Party promotion. Subsequent to my contribution an ad did indeed appear in the Journal, which ad was directed exculusively to the development of the Party and not to the Thomson for President campaign.

I did not have any idea that the Constitution Party National Committee was not, in the view of the Commission, qualified to accept contributions up to $20,000. In fact, I believe today that it operated in a manner which is undisputbly that in which a National Committee of a political party would be expected to operate, and in my own experience does indeed operate.

The suggestion, moreover, that the Constitution Party was a vehicle for the Thomson campaign for President is entirely erroneous. It is quite true that if the Governor had been nominated, the National Committee would have, funds being available, underwritten a portion of the general election campaign, but the Campaign of which I was Chairman was a primary election campaign and the Executive Committee scrupously maintained a non-commited stance with regard to potential and actual candiates.

Rufus E. Shackelford

Rufus E. Shackelford

SUBSCRIBED AND SWORN TO BEFORE ME
this 18th day of November 1981

Notary Public

Notary Public, State Of Florida At Large
My Commission Expires Jan. 21, 1984
Bonded By SAFECO Insurance Company of America

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STATEMENT OF

GEORGE CAREY, Ph.D.
Professor of Government
Georgetown University

IN CONNECTION WITH

MUR 1381

before the

FEDERAL ELECTION COMMISSION
Washington, D.C.

Professor Carey neglected to sign the statement, but his signed transmittal note is appended in lieu thereof.

The reasons for the varied meanings attached to the term "political party" are readily apparent. For one, stipulative definitions of political party all too frequently are partial or limited in their scope. The most famous example of this is Edmund Burke's definition of a political party as "a body of men united, for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed." (Works I, 151) Certainly the political parties of Western European democracies can be said to resemble Burke's conception. For this reason most of them can be placed on an ideological spectrum ranging from "left" to "right," a spectrum which merely reflects the fact that their membership do share common opinions and attitudes on politically salient issues. (Duverger, Ranney) But in the United States -- the very nation which in so many ways "fathered" modern conceptions of political parties -- the two major parties certainly lack the degree of ideological cohesion characteristic of their European counterparts. (Key, Ranney-Kendall, Goldwin) From the Burkean vantage point, then, American parties are frequently characterized as "weak" and "undisciplined" associations, scarcely deserving to be called "political parties." (Burns, Schattschneider)

Still another reason for varied meanings is this: The organization and nature of political parties varies from one nation state to another. These variation, in turn, are to a great extent due to the character of the regime. For instance, in most respects there is little similarity in the organization, recruitment, and internal procedures between the parties of Western Europe and the Communist Party of the USSR and its Eastern European satellites. (Ranney, Fainsod, Macridis-Hard) The latter are ideologically controlled "one party" systems wherein the party is integrally fused into every

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fabric of the regime. (Duverger, Fainsod) What is more, both these one party and multiparty systems stand in sharp contrast to the American two party system which has a decidely distinctive character attributable in large measure to such constitutional factors as separation of powers, federalism, and modes of election. (Key, Ranney-Kendall, Goldwin)

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Looking beyond these and other variations, most scholars identify one characteristic common to all modern political parties: they seek to control the apparatus of government. In the context of democratic politics and regimes there exists another common and crucial characteristic, to wit, they seek this control through an electoral competition for votes with other parties. One standard definition of political parties that embodies these elements is as follows: "Political parties are autonomous organized groups that make nominations and contest elections in the hope of eventually gaining and exercising control of the personnel and policies of government." (Ranney-Kendall,85) As such political parties can be differentiated from "interest" or

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Using this definition it is relatively easy to discern the identifying characteristics and principal functions of a political party. First, a party consists of a number of people who identify themselves and are identified by others with a common name or label, e.g., Social Democrat, Republican, or Communist. Second, those who thus identify themselves are organized to the extent at least that they act willingly and cooperatively to achieve whatever the goals of the party may be. Third, by implication, their right to act in concert to achieve their common ends is recognized by the larger society of which they are members. Fourth, again by implication, certain of the party's goals can only be achieved through the mechanism of government. And fifth, the principal function and distinguishing feature of a political party is, thus, "selecting candidates and nominating for public office." (Ranney, 198)

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The emergence of the political parties in the United States

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Truman, David. The Governmental Process. New York, 1971.



GEORGE W. CAREY

6403 Crosswoods Drive, Falls Church, Va. 22044


Dear Lou:

I hope this is what you are looking for. Certainly the material from the middle of page two to the end should be relevant.

Let me hear from you.

George


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BEFORE THE

FEDERAL ELECTION COMMISSION
Washington, D.C.

MUR 1381

SUPPLEMENTAL EXHIBITS

Submitted by
Louis Wilson Ingram, Jr.
Attorney at Law

3204032225 24

## SUPPLEMENTAL EXHIBITS

I. Certification of Incorporation of the titution Party of Wisconsin

II. Charter of the Constitution Party of Georgia

III. Roster of the National Advisory Committee of the National Committee of the national Constitution Party

IV. Party Advertisment appearing Bangor, Maine, without reference to Thomson campaign and paid for by the National Committee

V. Party Advertisment appearing in Review of the News without reference to Thompson campaign and paid for by the National Committee

VI. Newspaper article from Manchester (N.H.) Union Leader noting ballot position Maine for the Constitution Party

VII. Press Release announcing the organizational meeting of the Constitution Party in Maryland

VIII. Press Release announcing the organizational meeting of the Constitution Party in Michigan

IX. Letter from Wisconsin Constitution Party to Wisconsin Elections Commission

X. Letter from California COnstitution Party to California Chief of Elections

XI. Letter from Meldrim Thomson to Daniel Crisp in which Mr. Thomson referrs to himself as "a" candidate rather than "the" candidate

These Exhibits were all drawn from the files of the National Committee headquarters in Concord, New Hampshire, and demonstrate the scope and detail of activities of the National Committee of the Constitution Party.

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Form 100-Gen. State
Certificate of Incorporation

Party

Dean 10/16/87

# United States of America

## State of Wisconsin

Office of Secretary of State

## To All to Whom These Presents Shall Come:

*The undersigned, as Secretary of State of the State of Wisconsin, hereby certifies that on* Jan. 18, 1980 *Articles of Incorporation were filed in my office under the provisions of Chapter 181 of the Wisconsin Statutes, for the following corporation formed*

**WITHOUT STOCK AND NOT FOR PROFIT:**

*Name:* Constitution Party of Wisconsin, Corporation

*Principal Office:* Route #2, Box 65, Viola, WI 54664

*Purposes for which organized:* to promote the ideals and purposes of the National Constitution Party

*I further certify that a certificate has been filed in my office to the effect that a duplicate of said Articles, bearing my certificate, was recorded in the office of the Register of Deeds of* Vernon *County, Wisconsin, on* Jan. 29, 1980

*THEREFORE,* The State of Wisconsin *does hereby grant unto the said corporation the powers and privileges conferred by the Wisconsin Statutes for the purposes stated and in accordance with said Articles.*

*In Witness Whereof, I have hereunto set my hand and affixed my official seal, at Madison, on* March 10, 1980

VEL PHILLIPS
SECRETARY OF STATE

I

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Party

P.O. Box 1198
Riverdale, Georgia
30274

Dem
10/18/81

# CHARTER OF THE CONSTITUTION PARTY OF GEORGIA

## I

## NAME

The name of this political organization shall be known as THE CONSTITUTION PARTY of Georgia, a political body under the laws of Georgia, until such time as the organization qualifies as a political party under the laws of Georgia.

## II

## ORGANIZATIONAL MEETING

The charter of THE CONSTITUTION PARTY OF GEORGIA is hereby certified as the official charter of THE CONSTITUTION PARTY OF GEORGIA as adopted by the State Executive Committee of THE CONSTITUTION PARTY OF GEORGIA in organizational meeting, [illegible] Georgia on October 17, 1981.

## III

## GENERAL PURPOSES

The General Purposes of THE CONSTITUTION PARTY OF GEORGIA shall be to restore the UNITED STATES CONSTITUTION to its proper place as the supreme authority regulating the operation of any Federal government thereby saving our Republic from almost certain disintegration.

Political Parties exist to provide vehicles through which the people, in a free society, may express their wishes. It is the obligation of political parties to [illegible] issues of public concern. True representative government may be achieved only through free public selection from a wide range of [illegible] issues. Where existing political vehicles no longer offer viable choices to the voters, then in the interest of representative government, a new vehicle must be created. THE CONSTITUTION PARTY has been formed to secure the voters a true democracy choice in determining representative public policy.

A new party is urgently needed today because the leaders of the two existing, parties, Democrat and Republican, have deserted the principles and traditions of our nation's founding fathers. Both of these existing parties have sanctioned the usurpation of the government, economic, taxation, educational and moral power, under the illegal irresponsibility, unconscionable and disastrous internationalism, socialism, our nation's erosion, and authoritarian manipulation of the citizens of this Republic. Because the domination of these two existing parties, control of the government and [illegible] from the people that our government was created to serve.

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II

## PRINCIPLES

[illegible] of the CONSTITUTION PARTY OF GEORGIA hereby declare that the [illegible] of the CONSTITUTION PARTY OF GEORGIA are:

Section 1. GOD IS OUR FOUNDATION. Under authority, this Constitution declares the Constitution Party to have been brought into existence upon the foundation of its [illegible] belief in Almighty God and in Jesus Christ, upon their total commitment to the [illegible] counsel of God's Word, and upon their determination that the Constitution Party shall function, so long as it shall endure, in conformity with His Will. The Constitution Party is and shall remain a political entity which is [illegible] Christian-oriented. It is our fervent hope that God will use the Constitution Party to bless and save our Free Republic.

Section 2. MAN AND GOVERNMENT

A. CONSTITUTION

[illegible] of the Constitution Party believe that the original United States Constitution and the Bill of Rights were prepared and adopted by men acting under inspiration from Almighty God; that they are solemn compacts between the people of the states and the nation which all officers of government are under oath to obey, and that the eternal moral laws expressed therein must be adhered to by individual citizens, will parties.

B. LIMITED GOVERNMENT

[illegible] of the Constitution Party believe it a violation of the Constitution for government to deprive the individual of his life, liberty or property, except for [illegible] cause: (1) to punish crime and provide for the administration of justice; (2) to provide for the nation's defense; (3) to compel each one who enjoys the protection of government to bear his fair share of the burden of providing for [illegible].

C. STATE SOVEREIGNTY

[illegible] of THE CONSTITUTION PARTY OF GEORGIA believe that the [illegible] government of these United States should be restricted to only those [illegible] only permitted by the Constitution and that the relations of each [illegible] should be referred to the states or the people as required by the Tenth Amendment to the Constitution.

Section 3. FISCAL RESPONSIBILITY

[illegible] of the Constitution Party of Georgia supports fiscal responsibility at all levels of government, and necessary revisions in the state and federal tax laws to return to a reasonable present crushing burden of taxation, the [illegible] encourage [illegible] the protection of property rights from arbitrary government encroachment, and preservation of law and order, and the authority of local law enforcement to deal with crime at the local level.

Section 4. FOREIGN POLICY

[illegible] of the CONSTITUTION PARTY OF GEORGIA supports a foreign policy based on [illegible] peace, world domination, preservation of our national [illegible], and total support of our armed forces [illegible] our flag. The CONSTITUTION PARTY OF GEORGIA [illegible]

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[illegible]

[illegible]ity of distribution of control [illegible], and [illegible] opposition to any aid or [illegible] communist countries or nations [illegible] such communist nations.

[illegible] MORALITY

THE CONSTITUTION PARTY OF GEORGIA supports America's traditional concept of morality, recognizing that America's [illegible] as a free nation has been providentially guided by the hand of God.

[illegible] ALLEGIANCE TO GOD

THE CONSTITUTION PARTY OF GEORGIA affirms total allegiance to God, the state of Georgia, and to the United States of America, and opposition to all concepts of government which deprive man of life, liberty, and the pursuit of happiness.

UPON THESE PRINCIPLES AND SUCH PLATFORMS THAT MAY BE ADOPTED BY STATE CONVENTIONS, THE CONSTITUTION PARTY OF GEORGIA OFFERS ITS CANDIDATES TO THE CITIZENS AND VOTERS OF THE SOVEREIGN STATE OF GEORGIA.

V

PARTY ORGANIZATION

[illegible] 1. GENERAL

The Georgia Election Code provides for a State Executive Committee and A County Executive Committee with certain legal powers, duties and responsibilities. Within this Charter of THE CONSTITUTION PARTY OF GEORGIA and Rules written in accord with this Charter, such powers, duties and responsibilities granted to State and County Executive Committees by the Georgia Election Code shall be exercised by respective State and County Central Committees.

For the purpose of the Charter and Rules written in accord with this Charter, the State, District and County Executive Committee shall refer to the Officers of such respective Central Committee. In each case the Executive Committee as provided for in this Charter, and Rules written in accord with this Charter, shall be subordinate to the Central Committee, which exercises the powers, duties and responsibilities provided for in the Georgia Election Code.

[illegible] ORGANIZATIONAL STRUCTURE

A. CONVENTIONS

1. GENERAL

(a) The State, District and County Conventions of THE CONSTITUTION PARTY OF GEORGIA shall be the supreme governing bodies of this political organization.

(b) THE CONSTITUTION PARTY OF GEORGIA shall hold Conventions in the State, Congressional District and County in which it has organized in accordance with Party Rules, at least once each two years in the twelve months preceding the Georgia General Election, at a time and place as specified by such respective Central Committees.

(c) Delegates to such Conventions shall be selected and certified as prescribed by Party Rules except that they shall be apportioned in such manner as will as nearly reflect the number of electors residing within the political subdivisions so [illegible] in accordance with the last United States decennial census. For each [illegible] District Convention, each County within such geographic area shall have

[illegible] section [illegible]

[illegible] of the several members of the District or County Central Committees shall [illegible] [illegible] qualified electors of the State of Georgia and the [illegible] District or County and shall be [illegible] in good standing of THE CONSTITUTION PARTY OF GEORGIA.

VI

PRINCIPAL OFFICE

The principal office of THE CONSTITUTION PARTY OF GEORGIA shall be located at Forest Park, Georgia and such other places as from time to time the State Central Committee shall select.

VII

STATE CENTRAL COMMITTEE MEMBERS

CHAIRMAN Carl Thompson, Carl Thompson
[illegible] Drive, Forest Park, Ga. 30050

1ST VICE-CHAIRMAN..... Martha Andrews
[illegible] Sunnybrook Drive, Atlanta, Ga. 30033

2ND VICE-CHAIRMAN..... Mr. O. H. Alcorn
[illegible] St. John Avenue, Savannah, Ga. 31404

SECRETARY..... Jack Hidlinger
[illegible] Lamana Drive, Jonesboro, Ga. 30236

TREASURER..... Mr. R. F. Brannon, Sr.
Rt. 7003 Concord Road, Savannah, Ga. 31410

CHAPLAIN..... Mr. W. H. Godsson
[illegible] Kilarney Road, Decatur, Ga. 30032

COMMITTEEMEN AT LARGE

Francis McCall, [illegible] Peachtree Way, Atlanta, Ga. 30305
Allen Pudins, [illegible] O'Hara Road, Forest Park, Ga. 30050
Ken Pudins, [illegible] Westerly Court, Jonesboro, Ga. 30236
Anna McCall, [illegible] Peachtree Way, Atlanta, Ga. [illegible]
Milford Miller, [illegible] E. 62nd Street, Savannah, Ga. 31406
Dr. Frank Dunning, 40[illegible] N. Stratford Road, Atlanta, Ga. 30342
Sharon Pudins, 2324 Westerly Court, Jonesboro, Ga. 30236
Betty Glass, 225 Johnson Road A-41D, Forest Park, Ga. 30050

[illegible] day of [illegible] 1976
[illegible])

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(c) [illegible] Delegates to such Convention.

(d) Notice of the call for holding such convention shall be published in a newspaper having a general circulation within the area affected, at least [illegible] days prior to the date of such convention. Such notice shall also state the purpose for which the convention has been called.

(2) STATE CONVENTIONS

The State Convention shall have the sole power to amend the State Charter. The State Convention may adopt such Party Rules as are necessary for the proper functioning of THE CONSTITUTION PARTY OF GEORGIA.

This body shall also elect officers of the State Central Committee, National Committeemen and Delegates to the National Presidential Nominating Convention. It shall nominate the Presidential Electors, State wide Candidates for public office, the candidates for any state, district or county office for the area where no Party organization exists.

(3) DISTRICT AND COUNTY CONVENTIONS

The District and County Conventions may adopt such rules and regulations as are necessary for the proper functioning of such party organization. It shall elect members of the respective Central Committee, Committeemen at large and Delegates to the next higher Convention. It shall also nominate Candidates for public office in those election districts wholly contained within such area of jurisdiction of the respective committee.

(4) NOMINATION OF CANDIDATES

(a) The State, District and County Conventions shall nominate the candidates for public office from those election districts wholly contained within such area of jurisdiction, except that the larger Party Jurisdiction including the above shall exercise such nominating authority.

(b) Conventions held for the purpose of nominating candidates for public office shall be held at least 90 days prior to the date on which such nominees are nominated.

(c) A certified copy of the minutes of the convention which nominated a candidate, attested to by the Chairman and Secretary of such convention, must be filed by the nominee with his notice of candidacy.

(d) Nothing within this section shall prevent nomination or substitute nomination by appropriate committee of THE CONSTITUTION PARTY OF GEORGIA.

(e) No candidate shall be nominated by THE CONSTITUTION PARTY OF GEORGIA unless such candidate supports the permanent principles of THE CONSTITUTION PARTY OF GEORGIA.

(f) Any vacancy occurring in a nomination of the Constitution Party of Georgia by reason of death, disqualification or withdrawal of any candidate after nomination, shall be filled by a substitute nomination made by the State, District or County Central Committee which had jurisdiction over the original nomination.

E. JUDICIAL

The organization of THE CONSTITUTION PARTY OF GEORGIA shall consist of a State Central Committee which shall exercise jurisdiction and control over the affairs of THE CONSTITUTION PARTY OF GEORGIA between State conventions.

II e

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In each of the several Congressional Districts of the State of Georgia, there shall be a District Central Committee which shall exercise district-wide jurisdiction and control over the affairs of THE CONSTITUTION PARTY OF GEORGIA in their respective district between District Conventions.

In each of the several Counties of the State of Georgia, there shall be County Central Committees which shall exercise county-wide jurisdiction and control over the affairs of the CONSTITUTION PARTY OF GEORGIA in their respective counties between County Conventions.

The State Central Committee and the respective District and County General Committees shall establish and maintain such other committees as the Party may, from time to time, deem advisable.

The State Central Committee and District and County Central Committees established under this Charter and Party Rules shall be the Chief Executive Committee and shall determine the manner of selection of members for the various committees selected from time to time, except that each such committee created shall have a Chairman presiding, a secretary and such other officers as the State Central Committee shall deem advisable.

6. STATE CENTRAL COMMITTEE

The State Central Committee shall formulate, adopt, amend and promulgate the rules and regulations consistent with the state law, governing the conduct of the conventions and affairs of THE CONSTITUTION PARTY OF GEORGIA.

A duly certified copy of the Party Rules and regulations, signed by the Chairman, of the State Central Committee shall be filed with the Secretary of State.

The State Central Committee Committee may elect replacements for those state officers, National Committeemen and Delegates to National Nominating Conventions that shall become vacant because of Death, resignation or removal of such officer, Committeeman or delegate.

Each of the several members of the State Central Committee shall be duly registered and qualified electors of the State of Georgia and a member of THE CONSTITUTION PARTY OF GEORGIA in good standing.

7. DISTRICT AND COUNTY CENTRAL COMMITTEES

District and County Central Committees shall be organized in each of the several Congressional Districts and Counties of the State of Georgia. The District and County Central Committees shall formulate, adopt, amend and promulgate rules and regulations, consistent with state law and Party Rules and regulations of the State Central Committee, governing the conduct of conventions and other Party affairs. A duly certified copy of the Rules and Regulations signed by the Chairman of the County Central Committee shall be filed with the Judge of the Probate Court of the respective County.

II-f

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Party

10/16/84

NATIONAL ADVISORY BOARD of the CONSTITUTION PARTY

Re Meeting Tuesday, April 8, at Holiday Inn-Airport

Kansas City, Missouri

Planning To Attend

| | | |
|---|---|---|
| Bryant, Anita | confirmed | 4/4 |
| Coy, Larry | ditto | |
| Donica, Riley | confirmed | 4/3 |
| Frankland, Buddy | " | 4/1 |
| Gardner, Mickey | " | 4/2 |
| Hawkins, Ken | " | 4/3 |
| Melton, George | " | 4/3 |
| Robinson, Ben | " | 4/2 |
| Shackelford, Rufus | " | 4/3 |
| Shelton, Frank | " | 4/3 |
| Skees, Bill | " | 4/3 |
| Wilbanks, Bruce | " | 4/3 |
| Young, Judge Glen O. | " | 4/4 |

Note: Messrs Skees and Wilbank will arrive by plane on April 8, and no room reservations are required for them.

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III

NATIONAL ADVISORY BOARD of the CONSTITUTION PARTY

Re. Meeting Tuesday, April 6, at Holiday Inn-Airport, Kansas City, Missouri

Board Members Unable to Attend:

| | |
|---|---|
| Brennan, Mrs. Walter | Has a prior commitment |
| Bryden, Ellie Meyer | Recovering from recent accident (21 stitches) |
| Carrol, Dr. John | University obligations |
| Dixson, Ben | Business " |
| Ingram, Louis | Has a prior commitment |
| Kubec, Dr. Anthony | Unable to contact |
| McCurry, Pastor Robt. | Has a prior commitment |
| Rowe, Gloria | Out of town (left no forwarding address) |
| Scott, Paul | Media obligations |
| Townsend, Jim | Has a prior commitment |

(Note: Letters advising of the meeting were mailed to all the board members on April 1,)

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III-

PAID POLITICAL ADVERTISEMENT

# TO ALL MAINE CITIZENS

Check where applicable

- ☐ 1. Are you tired of voting for the lesser of two evils?
- ☐ 2. Do you believe in a strong America?
- ☐ 3. Would you like to see the government have a balanced budget and stop deficit spending?
- ☐ 4. Would you like to live in a Country which lives by the guarantees given to us in our Constitution?
- ☐ 5. Are you tired of elected officials who are unresponsive to the will of the people who elected them?
- ☐ 6. Do you believe in the free enterprise system without government strangulation of business?
- ☐ 7. Are you sick of Big Brother taking care of you from the cradle to the grave?
- ☐ 8. Do you believe in local control of schools?
- ☐ 9. Are you tired of the performances of the Democratic and Republican administrations?
- ☐ 10. Are you against the murder of the unborn?
- ☐ 11. Do you believe in the right to bear arms?
- ☐ 12. Are you sick of laws that protect the criminal rather than the victim?

If you checked eight or more, you will want to know about the Constitution Party of Maine. The Constitution Party was founded to support the precepts of the Declaration of Independence and the fundamental truths of our Constitution. The Party should be established in all fifty states, by September, 1980.

"When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separation". Declaration of Independence.

MAIL TO CONSTITUTION PARTY, BOX 5000, BANGOR, MAINE 04401

PLEASE SEND ME THE FOLLOWING INFORMATION.

- ☐ HOW TO REGISTER IN THE CONSTITUTION PARTY.
- ☐ HOW TO ORGANIZE COMMUNITY SUPPORT
- ☐ I WANT TO HELP WITH THE ENCLOSED CONTRIBUTION $ _____
  (Make Checks Payable to Constitution Party of Maine)

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE NUMBERS HOME _____ WORK _____

BANGOR, MAINE DAILY NEWS 1-23-80

IV

Deers 10/16/89

# Citizens of Texas

## It is time to end America's Long Retreat From Greatness

Meet and Hear Governor Meldrim Thomson
Founder of the Constitution Party

**Dallas** — Wednesday, March 26, 8 PM
(Irving) Quality Inn South
215 East Airport Freeway

**Houston** — Thursday, March 27, 8 PM
Marriott Hotel Astrodome
2100 South Braeswood

**San Antonio** — Friday, March 28, 8 PM
Ramada Inn
333 N.W. Loop 410

Constitution Party, Box 1723, Concord, NH 03301, (603) 224-8080

Notice: Contribution not tax deductible. Filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

Paid for by the Constitution Party.

Not to be reproduced.

The Review Of The NEWS, March 19, 1980

V

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Party

Dress 10/16/88

MANCHESTER (N.H.) UNION LEADER — Thursday, December 13, 1979

# Maine First State To Place Thomson on Ballot

AUGUSTA, Maine (UPI) — An obscure law was dredged up Wednesday to register a third party in Maine and make the state the first in the nation to put former New Hampshire Gov. Meldrim Thomson's name on the 1980 presidential ballot.

"We believe in the old saying, 'As Maine goes so goes the nation,'" Thomson told a news conference. "In my travels across the country I have found people are deeply concerned about the failure of the two party system in our times.

"We hope to offer an alternative party to the politics as usual," the conservative, three-term New Hampshire governor said.

Thomson's Constitution Party was given full legal recognition in Maine through the graces of a little-used law and Rev. Herman C. "Buddy" Frankland of Bangor, head of northern New England's largest Baptist following.

Frankland himself garnered slightly less than a fifth of the statewide vote in 1978 as an independent gubernatorial candidate, hoping to repeat the success of then outgoing independent Gov. James B. Longley.

**Law Allows New Parties**

He said Maine law allows presidential and gubernatorial candidates who receive more than 5 percent of the vote to form new parties without collecting the 15,000 signatures normally required.

Both Frankland and Thomson said Longley was aware of the formation of the new party and would be "welcomed with open arms" if he decided to join.

Thomson said he had campaign organizations formed in New Hampshire, California, Georgia and Florida. He said his first priorities for gaining ballot position were his home state, California, Vermont and Delaware.

He said his campaign would begin running "test" television advertisements in New Hampshire, Texas and Maine next week.

Thomson said no matter what happened at the polls next November, in the months ahead "we will have laid a firm foundation for the great principles of the U.S. Constitution" and for the birth of the Constitution Party, likening 1980 to 1776 and the founding of the Republican Party.

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PRESS RELEASE Release Date Immediate

Party

Thomson For President Committee
Box 1788, Concord, N.H. 03301
(Temporary phone) 603-224-4363

Peter M. Thomson,
Campaign Manager

NEW CONSTITUTION PARTY ORGANIZES

The initial organization meeting of the Constitution Party of Maryland will be held Monday, January 28, at 7:30 pm at the Quality Inn, 1015 York Road, Towson.

Former Governor of New Hampshire Meldrim Thomson, Constitution Party candidate for President, will attend and discuss the future of the party and his presidential plans.

Declaring that the major political parties have "consistently failed to deal effectively with national needs," Thomson will emphasize the necessity of establishing an alternative party "based upon principles, not personalities."

In his first visit to Maryland since announcing his presidential campaign, Thomson will stress the opportunity of the Constitution Party "to end America's long retreat from greatness and rebuild on a firm foundation of basic and well tested principles."

- 30 -

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VII

# PRESS RELEASE

Release Date: IMMEDIATE

Party

Release 10/18/81


**Thomson For President Committee**

Box 1788, Concord, N.H. 03301

(Temporary phone) 603-224-4363

Peter M. Thomson,
Campaign Manager


NEW CONSTITUTION PARTY ORGANIZES

The initial organization meeting of the Constitution Party of Michigan will be held Thursday, January 31, at 7:30 pm at the Kalamazoo Valley Community College, Kalamazoo.

Former New Hampshire Governor Meldrim Thomson, Constitution Party Candidate for President, will attend and discuss the future of the party and his presidential plans.

Declaring that the major political parties have "consistently failed to deal effectively with national needs," Thomson will emphasize the necessity of establishing an alternative party "based upon principles, not personalities."

Presidential Candidate Thomson will stress the opportunity of the Constitution Party "to end America's long retreat from greatness and rebuild on a firm foundation of basic and well tested principles."

-30-

VIII


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Paid for by Thomson for President Committee

A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.

Randy

IX

Dept 10/14/81

February 2, 1980

Wisconsin Elections Commission
State Capitol Building
Madison, Wisconsin

Att.: Mr. Gerald Ferwerda

Dear Mr. Ferwerda:

Please be advised that at a duly called meeting of the Conservative Party Of Wisconsin held at Madison, Wisconsin, on February 2, 1980, a quorum being present, the following resolution was moved, seconded and duly adopted:

"Be It Resolved, that the name 'Conservative Party Of Wisconsin' be changed to 'Constitution Party Of Wisconsin', effective immediately, and that the entity heretofore known as the Conservative Party Of Wisconsin hereafter cease to exist under such name; that the said Constitution Party Of Wisconsin hereby affiliates with the national Constitution Party Of America as said national Constitution Party's sole affiliate in the State of Wisconsin; and that said Constitution Party Of Wisconsin, heretofore known as the Conservative Party Of Wisconsin, hereby terminates its affiliation with the National Organization Of Independent State Parties, also known as the Independent American Party, effective immediately."

This letter is sent as an official copy and communication of the foregoing resolution by the Constitution Party Of Wisconsin on this 2nd day of February, 1980.

Very truly yours,

Constitution Party Of Wisconsin

By Joseph J. Birkenstock
Joseph J. Birkenstock, Chairman

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IX

[illegible]
Fullerton, Calif. 92632

Nov. 15, 1979

Mr. William M. Durley
Chief Of Elections
111 Capital Hall
Sacramento, Calif. 95814

NOV 28 1979

Dear Mr. Durley,

This is to inform you that on Nov. 15, 1979, a caucus was held at Fullerton, Calif. for the purpose of organizing a political party under the laws of the state of California.

The political party shall be known as THE CONSTITUTION PARTY OF CALIFORNIA.

The principal address of the party shall be 1110 S. Pamona Ave. Fullerton, Calif. 92632.

The temportary officers of the CONSTITUTION PARTY OF CALIFORNIA as elected by the organizational caucus are as follows:

| | |
|---|---|
| CHAIRMAN | James H. Townsend<br>8[illegible] E. Pine St.<br>Anaheim, Calif. 92805 |
| VICE CHAIRMAN | Sra Campbell<br>1[illegible] Biller St Dr.<br>Fullerton, Calif. 92632 |
| TREASURER | Glenn B. Jackson<br>[illegible] S. Milliken Rd.<br>[illegible], Calif. [illegible] |
| SECRETARY | Lou Fleischman<br>[illegible] E. Calif. Blvd.<br>[illegible], Calif. [illegible] |
| COMMITTEEMAN AT LARGE | [illegible]<br>[illegible]<br>[illegible], Calif. [illegible] |

The Caucus passed a resolution declaring its intent to qualify as a political party pursuant to Section 6[illegible] of the California Code.

If any additional information is necessary to expedite the registration of this party as a political party under the laws of California, please notify me as soon as possible.

Sincerely yours,

James H. Townsend

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X

Thomson For President Committee
CONSTITUTION PARTY
Box 1788, Concord, N.H. 03301

Deors 10/16/81

Meldrim Thomson, Jr.
Presidential Candidate
Rufus Shackelford
Chairman
Peter M. Thomson
Campaign Manager
Joseph Deuss
Treasurer

Telephone
603-224-8080

December 10, 1979

Mr. Daniel J. Crisp
Crisp and Harrison Agency
Jacksonville, Florida

Dear Mr. Crisp,

This letter will authorize you, Daniel J. Crisp, of the Crisp and Harrison Agency to be agency of record for myself, Meldrim Thomson, Jr., a candidate for President of the United States of The Constitution Party.

You are authorized to purchase time and perform whatever media duties may be required on behalf of my candidacy.

Sincerely,

Meldrim Thomson, Jr.

MT:cdb

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XI

Paid for by Thomson for President Committee

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Magnetic Tapes
National Elections Commission
Washington, D.C. 20463

Gcc# 5125

LOUIS WILSON INGRAM, JR.
8213 Doctor Creik Court
Alexandria, Virginia 22306

November 16, 1981

Miss Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Miss Tarrant:

Enclosed is a the response of the respondents in the above referenced matter.

The accompanying letter to Chairman McGarry was prepared on November 16, but several of the enclosures had not arrived by that time. Actually, two items have not yet arrived, but I determined to deliver so much of the material to you as had been received already and to forward the remaining items as soon hereafter as they arrive.

Presently missing are: the affidavit of Rufus Shackelford which I believe is being expressed tomorrow (Thursday) and the statement of Dr. George Carey which he advised me several days ago was in the mail. I expect delivery of both items this week.

Thank you for your thoughtful consideration of this matter.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

cc:
Hon. John Warren McGarry, Chairman
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan

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21 NOV 19 P 3:48
GENERAL COUNSEL

Louis Wilson Ingram, Jr.
8213 Doctor Cook Court
Alexandria, Virginia 22306

November 16, 1981

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

This letter, together with the comments on the merits contained in my previous letters of September 30th and October 29th, 1981, constitutes the response of respondents on the above referenced matter.

Enclosed are the Affidavits of Rufus Shackelford, W.A. Skees, Bruce Wilbanks, Meldrim Thomson, Cathy Boudreau, Douglas Bourdon, Joseph Deoss and Harvey Hawkins which, together with the statement of Dr. George Carey and the "Factual Basis and Legal Analysis" prepared by the Commission's General Counsel, reveal facts demonstrating that:

(1) there was a national political party comprised of various state parties under the banner of the Constitution Party;

(2) the national Constitution Party was directed by a National Committee comprised of an Executive Committee, Officers, and staff employees;

(3) the National Committee established a national headquarters office in Concord, New Hampshire;

(4) the National Committee performed, on a daily basis, all the functions normally associated with the national committees of newly established parties, including the coordination of its various affiliated state committees;

(5) the National Committee formed state affiliates in a number of states; some of these affiliates were merely organizing committees, others developed to the point of becoming state committees as contemplated by §431(15);

(6) one or more of the said state committees of the Constitution Party nominated candidates for federal office which nominees appeared on the ballots in their respective states under the name of the Constitution Party;

(7) the National Committee called a National Convention subject to site selection and other formative details, but said Convention was subsequently cancelled when the party founder withdrew from the primary election campaign creating a leadership vacuum;

(8) the National Committee operated under constructive bylaws

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comprised of Roberts Rules of Order and public policy, and had, moreover, proforma bylaws awaiting adoption at the Party's first national organizing convention;

(9) the Thomson for President Committee was engaged in a primary election campaign for the presidential nomination of the Constitution Party;

(10) the contributions, expenditures, records and reports of the Thomson for President Committee and the National Committee of the Constitution Party were at all times distinct and separate;

(11) the National Committee of the Constitution Party did not contribute to the Thomson for President Committee;

(12) the National Committee of the Constitution Party used its funds exclusively for the promotion and development of the Party on a state and national basis; and

(13) Respondents Shackelford, Skees and Wilbanks had no information, and could not have reasonably obtained such information at the time of their contributions other than through the direct inquiries which were made, which would have alerted them to the issues subsequently raised by the Commission.

From these facts, one can conclude that

(a) the Constitution Party was not a "vehicle for the Thomson for President campaign";

(b) it was a "political party" within the meaning of §431(16);

(c) the National Committee of the Constitution Party was operating under a set of constructive bylaws;

(d) it was in every particular [save for the techincal adoption of formal bylaws] operating as a "national committee" within the meaning of §431(00); and

(e) at the time of the subject contributions, none of the respondents had reason to believe as a matter of fact [rather than law] that the National Committee of the Constitution Party was not in complete conformity with all applicable statutes, rules and regulations.

Each of the respondents would readily admit that he knew the law proscribed contributions of $10 and $20 thousand for all but a national committee of a political party. That is not the same as knowing that what appears to be a national committee is not just that. They were aware of "facts" from which reasonable men could conclude that the National Committee of the Constitution Party was indeed a "national committee."

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This is particularly true in view of the definitional quality of §431(14). "(B)y virtue of the bylaws of a political party" does not, even when read by a lawyer, neccessarily mandate formal bylaws. Certainly it requires that a committee claiming to be the national committee of a political party have the authority normally associated with such a committee. Such authority derives from the consent of the party's constituent state and local committees and is not dependent upon the technical expression of that authority as may be embodied in formal bylaws and operational rules.

In this instance, as in all cases involving the organization of a new political party, the National Committee was, at the time of the complained of events, largely in the business of recruiting constituents and state leaders who would give life to the state committees and, ultimately, to the national party. It does not require much imagination to comprehend that, under such circumstances, the local operatives would concede such authority as necessary to get the job done to the National Committee which had recruited them.

Essentially, the entire factual basis and legal analysis underlying the staff allegations turns on the technicality of formal bylaws.

It is true, of course, that there is an attempt to compromise the status of the Constitution Party as a "political party" by claiming that "there is no evidence that (the two candidates for federal office who appeared on the ballots in Illinois and New Jersey) were nominated by the Constitution Party as contemplated in §431(16)." Were this claim meritorious, the question of the status of the National Committee would be irrelevant in view of Advisory Opinion 1980-3. But the claim is meretricious.

Section 431(16) says "The term 'political party' means 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."

The state Constitutional Parties had to achieve ballot position; to do so, they had to satisfy state laws governing political parties and nominations.

431(16) is silent on nominational method and organizational construct. In fact, any sort of organization such as a boys club that managed to get a candidate on the ballot in its own name would appear to become thereby qualified as a "political party" within the plain meaning of that Section. The "evidence," in other words, is the appearance of a nominee for federal office on a state ballot.

Your staff concedes that such nominees did in fact appear on at least two state ballots.

That being so, one of the other two remaining questions is that of the

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bylaws. We have delt with that above and our position is that the National Committee did indeed have operational bylaws.

They were constructive at the time of the complained of events (although enumerated bylaws awaited formal adoption by the National Convention) being then comprised of public policy, statutes, rules and regulations, federal court decisions, and rules of order. "From this country's beginning, it has been an underlying assumption of our culture that what has been authoritatively established as parliamentary law is law - in the sense of being binding within all assemblies except as they may adopt special rules varying from the general parliamentary law." (Page xxviii, Robert's Rules of Order, Newly Revised)

Clearly, given all the facts and this expression of the common law of parliamentary procedure, the National Committee of the Constitution Party was possessed of the necessary and legitimate authority to conduct the day to day affairs of the national party as is contemplated in §431(14). And the fact that it did just that is ample evidence of the verity of the claim.

But in any event, the final question is, should the Commission determine that only slavish adhearance to the formal adoption of enumerated bylaws satisfies the definition, whether respondents can be held accountable for not knowing that the facts of which they and the general public were aware failed to be what they clearly appeared to be, ie that what appeared to be the National Committee was not a "national committee" because of a narrow technical deficiency.

I respectfully suggest that the answer is "no."

I am aware that the civil penalties [437(a)(5)(A)], unlike the heavier and criminal penalties [437(a)(5)(B)] and [437(d)(1)(A)], make no reference to "knowledge" and "wilfulness". But there is a point beyond which the dismissal of scienter becomes absurd.

In this case the three contributors all believed that a "national committee" had been established because that was the conclusive appearance of all the circumstances known to them, and the party leaders had taken steps, moreover, that would lead to the formal adoption of enumerated bylaws by the National Convention. This is not a question of ignorance of the law; this is not a question failing to ascetain what is readily ascertainable; it is not a question of failing to ascertain what one has a duty to ascertain; it is a question of relying on a compelling body of public evidence and possibly interpreting the definition of "national committee" in a way that may or may not be erroneous but to which it clearly lends itself.

Given these facts, it is not really surprising that no one made further inquiry of the Commission at the time the contributions were being solicited, offered and accepted, and subsequent developments cannot be construed retroactively to render unlawful what was at the time of its

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execution lawful - unless there is an accompanying charge of wilfullness.

It is quite true that certain employees of the National Committee failed, at a later date, to respond adequately to the inquiries of the Commission, but that hardly changes the facts as they were at the earlier time of the constrbutions.

In view of the foregoing, I urge the Commission to dismiss the allegations of its staff. I would, of course, be pleased to respond to any questions the Commissioners might have before rendering their decision.

Many thanks for your consideration.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

cc:
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Miss Marybeth Tarrant
Mr. Rufus Shackelford
Mr. W. A. Skees
Hon. Meldrim Thomson
Mr. Bruce Wilbanks

encl:
Affidavit of Cathy Boudreau
Affidavit of Douglas Bourdon
Statement of Dr. George Carey
Affidavit of Joseph Deoss
Affidavit of Harvey Hawkins
Affidavit of Rufus Shackelford
Affidavit of W. A. Skees
Affidavit of Meldrim Thomson
Affidavit of Bruce Wilbanks

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STATE OF TEXAS
COUNTY OF MIDLAND

AFFIDAVIT OF W. A. SKEES

PERSONALLY APPEARED BEFORE ME, W. A. SKEES, being known to me and being first duly sworn, deposes and says that during the recent 1979-1980 Presidential campaign, it was my prime intent to create and build a political party unqualifiedly supporting traditional Constitutional government at the national, state and local levels.

Having been an active participant in past functions of both "old parties" during my adult life, I had become disillusioned by the reality that "platforms" held little meaning to the memberships, candidates and/or elected officials whose philosophies extended across the complete political spectrum - trending toward bigger government rather than limited government. Having met many who shared my disillusionment, I concluded that I could only work in a party dedicated to a governmental process limited by our Constitution interpreted in accord with the intent of its drafters and adopters.

For those reasons, I supported the efforts of Meldrim Thomson, Jr. to organize the Constitution Party.

I have participated in other third-party efforts and I know of no historical example of a third party which was not the child of leadership. Accordingly, we all looked at the party's founder for guidance and expected him to be our standard bearer.

But Mildrin Thomson insisted that he be only a candidate for the party's nomination. The early organizational meeting of the Constitution Party held in Chicago in April, 1979, consisted mostly of organizing committees to proceed with the building of a new party, including the National Finance Committee to which I contributed. I was later nominated to the National Convention Committee and instructed to help choose a time and site for a National Convention.

Prime cities for consideration were Atlanta, Georgia; Kansas City, Missouri; and Dallas, Texas. I worked extensively with Mr. Michael K. Benton, Director of Irving Convention and Tourist Bureau in Irving, Texas in expectation of holding the National Convention in the Dallas area. Plans for the National Convention were all but finalized when a decision was made in Executive Committee at Kansas City, Kansas on April 8, 1980, to "go into a holding pattern."

Meldrim Thomson, Jr. made his formal announcement as a candidate for the Party presidential nomination on October 31, 1979, declaring among other things, "I, therefore, will seek the presidential nomination under an alternative party (underscored by this author)....The Constitution Party will hold State Conventions between now and next June, and a National Convention by early summer."

In addition, my notes at a Party Advisory Board Meeting on January 21, 1980, indicate that "Frank Shelton will be temporary Chairman of the Constitution Party." Also, at this same meeting, a copy of a newspaper ad was circulated and later run in The Wall Street Journal. Even as late as the announcement of Meldrim Thomson, Jr.'s withdrawal from the campaign, his press release indicated ballot position in at least four states as a Constitution Party candidate: i.e., Maine, Alabama, Wisconsin and Utah.

Insofar as organizational efforts in Texas are concerned, as acting State Chairman, I headed a four-man Executive Committee which, among other things, filed our Party's rules with the Secretary of State of Texas. During the course of organizational meetings in Dallas, Fort Worth, Houston, San Antonio and the Midland-Odessa area, I requested any early contributions be directed toward the National Organization of the Constitution Party to aid the national organizing effort.

Now there is no doubt in my mind as to the existence of a party structure, embryonic as it may have been, at the national as well as at the state level. At present, the National Party continues to exist, for as recently as June 9, 1981,

material was being circulated by the Party relative to organizational meetings. Further, several communications, both prior to and following Meldrim Thomson, Jr.'s withdrawal, are signed by Frank W. Shelton as National Chairman of the Constitution Party.

In summary, there is no doubt that the Constitution Party meets all reasonable requirements for recognition as a political party: i.e., 1) national organization effort; 2) national chairmen; 3) national committees; 4) organization at several state levels; 5) ballot position in several states; and 6) continued post election organizational activity.

Those of us working at the state organizing level received regular directives and information from the National Party in Concord, New Hampshire. The National Party prepared and distributed brochures and other materials, holding themselves out to be a national political party. Considerable press attention was given to these third-party efforts, in Texas and elsewhere.

My contribution was solicited by the National Party to underwrite the costs of a party advertisement in The Wall Street Journal. The resulting advertisement was clearly what it had been represented to be - a promotion of the Party and not of the candidate - and to the best of my knowledge, my contribution was used exclusively for that purpose.

At no time, short of the Federal Election Commission's letter of August 14, 1981, did I suspect that the Constitution Party might not be qualified to accept gifts of over one thousand or five thousand dollars.

Had I thought otherwise, or had there been generally circulated evidence to the contrary, I would not have made such a contribution.

Further Affiant saith not.

W. A. SKEES

SUBSCRIBED AND SWORN TO this 10th day of November, 1981.

Geraldine D. Simmons
Notary Public, Midland County, Texas

STATE OF TEXAS
COUNTY OF MIDLAND

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. A. SKEES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 10th day of November, 1981.

Geraldine D. Simmons
Notary Public in and for Midland County, Texas

My Commission expires:
3/31/85

GERALDINE D. SIMMONS - NOTARY PUBLIC
IN AND FOR MIDLAND COUNTY, TEXAS
MY COMMISSION EXPIRES 3/31/85

# AFFIDAVIT

THE STATE OF TEXAS |
COUNTY OF MIDLAND |

BEFORE ME, the undersigned authority, on this day personally appeared BRUCE A. WILBANKS who, being by me first duly sworn, deposed and said:

In April, 1979, I was invited to attend the initial meeting of the Committee of 56 in Chicago, Illinois, which committee subsequently organized the Constitution Party. I attended the meeting, met, and listened to Meldrin Thompson, Jr., and decided at that time to participate in this third party effort. Later I worked with Bill Skees as a member of the Executive Committee of the Constitution Party of Texas. I traveled with Meldrin Thompson, Jr., and others to the organizational meetings in Dallas, Fort Worth, Houston, San Antonio, and Midland, Texas.

At that time the Constitution Party had a National Organization, had ballot positions in several states, and had active committees in twenty-five other states.

At the time I made my contribution, I received assurances from Rufus Shackelford and the party hierarchy that they were in compliance with all regulations of the Federal Election Commission.

To the best of my knowledge and belief, the Constitution Party was indeed a party as it represented itself to be, and under those circumstances I made my contribution which I specifically directed to the National Party.

FURTHER affiant saith not.

Bruce A. Wilbanks

Bruce A. Wilbanks

SUBSCRIBED AND SWORN TO this 11th day of November, 1981.

Linda L. Lewis

Notary Public in and for Midland County, Texas

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THE STATE OF TEXAS |

COUNTY OF MIDLAND |

BEFORE ME, the undersigned authority, on this day personally appeared BRUCE A WILBANKS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 11th day of November, 1981.

NOTARY PUBLIC IN AND FOR MIDLAND COUNTY, TEXAS

M.U.R. MATTER UNDER REVIEW 1381

FEDERAL ELECTIONS COMMISSION

November 12, 1981

1. I, Meldrim Thomson, Jr., was a founder of the Constitution Party in 1979. I also was a candidate for the Presidential nomination of that Party.
2. The Constitution Party emerged from a meeting in Chicago on April 14, 1979 when 56 prominent American patriots were invited to participate.
3. During the Fall of 1979 and until mid-April, 1980, I was both an active candidate for the nomination for the Presidency of the Party and a vigorous organizer of the Party.
4. Our first important concern for the Party was to obtain ballot position throughout the states. To this end, we made a careful study in our Party office in Concord, New Hampshire of the ballot requirements of every state. As I recall, we were successful in Maine, Alabama, Wisconsin and Utah. We were unsuccessful in Kentucky and Maryland. At the same time we were working on these several states we were also actively preparing to seek ballot position in the remaining states.
5. In developing the Party, limited funds made the economy of combining the accommodations with the Thomson for President Committee attractive. Thus, the majority of the time of Douglas Bourdon was devoted to seeking ballot position for the Party and studying the regulations of the Federal Elections Commission so that we could meet the various statute and regulatory requirements as our work progressed.
6. An operating committee headed by Frank Shelton of Freedom Sentry Ranch, Cherryvale, Kansas was created and met for the purpose of guiding the Party activities until a national convention could be held.

7. The members of this national committee anticipated holding a national convention in the Summer of 1980, prior to the meeting of the two major political parties. A sub-committee was created to determine location of the convention site. Careful consideration was given to sites in Kansas and Texas. I recall that on several occasions committee members talked of the importance of adopting by-laws, but finally deferred action on this project until they could be adopted by the national convention. At one point I believe that committee members were in accord that the by-laws of the Constitution Party of Georgia might form the basis for the national by-laws.
8. As a result of Mr. Bourdon's study of the Federal Elections Commission and phone calls that he made from time to time to the F.E.C. office in Washington, we believed that we could accept contributions made under the limitations provided for national committees. Based on this belief we advised Rufus Shackleford, Bruce Wilbanks and William Skees that they could make contributions to the Constitution Party up to the maximum allowed by statute, being $20,000.00.
9. The contributions and funds of the Constitution Party and those for the Thomson for President Committee were scrupulously kept separate by Joseph Deoss who prepared the financial forms for the F.E.C. for both groups.
10. I strongly urged to the national committee members that they should meet and consider whether our effort should be suspended because of the financial bind that we found both the Party and campaign for President efforts facing. In mid-April, such a meeting was held and I recommended that my Presidential efforts be discontinued but that the group should meet at some later date to determine the future of the Constitution Party.

11. I was recently advised by members of the Constitution Party that a new effort on behalf of the Party would be made in Jacksonville, Florida at an early date.

12. In April, 1981 for immediate practical purposes the Thomson for President Campaign activities came to an end and the daily activities of the Party were suspended.

Meldrim Thomson, Jr.

MELDRIM THOMSON, JR.

Suscribed and sworn to before me this 13th day of December 1981.

Doyle E. Bennis

NOTARY PUBLIC

M.U.R. #1381

FEDERAL ELECTION COMMISSION

AFFADAVIT OF CATHERINE D. BOUDREAU

November 14, 1981

I, Catherine D. Boudreau of R.F.D. #10, Loudon, New Hampshire, County of Merrimack, State of New Hampshire, do hereby swear and affirm to the following facts:

1. I served as Office Manager for the offices of the Constitution Party and the The Thomson for President Committee. As such, I had the opportunity to witness the conformation of the employees of both political entities to appropriate federal guidelines.

2. All activites under my supervision were clearly defined as work related to either the Constitution Party or to the Thomson for President Committee.

3. Some of the work projects that I feel demonstrated this differential were:

   a. Dual office files were maintained.
   b. Dual financial records were established by a Public Accountant and properly maintained by same.
   c. Recruitment of individuals was undertaken specifically for duties on behalf of the Constitution Party in an effort to establish this Party nationwide. I personally had daily contact with active members of the Party working in conjunction with our office to achieve this goal.
   d. Recruitment of individuals to work on behalf of the Presidential Committee was undertaken with duties specific to the Committee.

4. The importance of maintaining distinctly seperate records for the Constitution Party and for the Thomson for President Committee was

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deliberately and continually emphasized to ensure that the interests of both the Party and the Committee were preserved and implemented.

Respectfully sumbitted,

Catherine D. Boudreau

STATE OF NEW HAMPSHIRE
MERRIMACK, SS

Before me appeared, Catherine D. Boudreau, and affirmed, acknowledged and swore that the above statements were true to the best of her knowledge and belief.

DATE: Nov. 14, 1981

Janice C. Fitanides
Notary Public/~~Justice of the Peace~~

JANICE FITANIDES, Notary Public
Commission Expires September 29, 1983

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M.U.R. #1381

FEDERAL ELECTION COMMISSION

AFFIDAVIT OF DOUGLAS R. BOURDON

November 6, 1981

I, Douglas R. Bourdon, of 130 Amherst Street, City Of Nashua, County of Hillsborough, State of New Hampshire, do hereby swear and affirm to the following facts:

1. That during the period of November, 1979, to April, 1980, I was employed by a political party known as the Constitution Party.

2. That such employment was the result of my professional background as an organizer and researcher. Said background being the qualififcations necessary to effectuate the purposes of my job, as indicated in #3, below.

3. As a result of my employment, my responsibilities, as hereinbelow listed, were carried out in an expeditious, forthright, and professional manner:

(a) To conduct legal research into the election laws of all 50 states;

(b) To compile an extensive research referral system on the aforementioned election laws. Said system included, but was not limited to, the following:

I. The maintaining of a large binder-notebook, indicating all election requirements of the various states;

II. To keep a complete filing system on the organizational progress of the Constitution Party at the state and local level;

III. To review, update, and compile pertinent federal election laws as they relate to the Constitution Party.

(c) To conduct other miscellaneous legal and political research that would effectuate the organizational goals of the Constitutional Party.

(d) To help co-ordinate, conduct and organize state Constitution Party activities.



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Said activities included, but were not limited to, the following:

I. The organizing of "ballot petition drives" necessary to accumulate the necessary number of voter signatures to place the Constitution Party on that state's ballot for 1980.

II. To coordinate local Constitution Party activities to help insure their compliance with state and local election laws.

III. To oversee the co-ordination of information between local, state, and national Constitution Party activities.

4. During my employment with the Constitution Party, certain statewide Constitution Party organizations met all necessary state election law requirements to place the Constitution Party on their respective state ballots:

(a) MAINE: The Constitution Party of Maine met Maine election law requirements. As such, the Secretary of State for Maine certified the Constitution Pary for placement on Maine's 1980 ballot. While Maine had certified the Constitution Party for placement, election officials in that state were waiting for the national Constitution Party to certify a nominee for President and Vice-President of the United States, and for the Constitution Party of Maine to certify nominees for statewide offices.

(b) UTAH: The Constitution Party of Utah met Utah election law requirements for placement on the 1980 Utah ballot.

(c) ALABAMA: The Constitution Party of Alabama met Alabama election law requirements for placement on the 1980 Alabama ballot.

(d) WISCONSIN: The Constitution Party of Wisconsin met election law requirements for placement on the 1980 Wisconsin ballot.



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5. When I left the employ of the Constitution Party, a variety of states had organizational activity being conducted with the purpose of placing the Constitution Party on their respective state ballots.

6. In each of the states listed in item #4, above, the Constitution Party had either a state headquarters (Maine) or was in the very beginning stages of formal organization (Utah).

Respectfully submitted,

Douglas R. Bourdon

STATE OF NEW HAMPSHIRE
MERRIMACK, SS

Before me appered, Douglas R. Bourdon, and affirmed, acknowledged and swore that the above statements were true to the best of his knowledge and belief.

DATE: Nov. 14, 1981

Janice C. Fitanides
Notary Public/~~Justice of the Peace~~

JANICE FITANIDES, Notary Public
My Commission Expires September 29, 1983

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M.U.R. #1381

FEDERAL ELECTION COMMISSION

AFFIDAVITT OF JOSEPH H. DEOSS

November 12, 1981

I, Joseph H. Deoss, P.A. of 4 Betty Lane, Bow, County of Merrimack, State of New Hampshire, do hereby swear and affirm to the following facts;

1. That I am a Publick Accountant registered in the State of New Hampshire.

2. That as such Public Accountant, I was engaged to provide the recordkeeping services for The Constitution Party and also to provide the same services for the Thomson for President Committee.

3. As a result of my employment in these capacities I did maintain the said records in a careful manner and kept all transactions completely separate and so reported same to the Federal Elections Commission.

4. In respect to the allocation of expenses between the Party and the Thomson for President Committee, the records were carefully maintained so there was no commingling of the expenses or the revenue. The major portion of Mr. Thomson's time and effort was spent on behalf of the building of the national structure of the Constitution Party.

5. At no time did the Thomson for President Committee receive any funds from the Constitution Party.

Respectfully submitted,

Joseph H. Deoss, P.A.

STATE OF NEW HAMPSHIRE
MERRIMACK, SS

Before me appeared, Joseph H. Deoss, and affirmed, acknowledged and swore that the above statements were true to the best of his knowledge and belief.

DATE: Nov. 14, 1981, 1981

Notary Public/ ~~Justice of the Peace~~

JANICE FITANIDES, Notary Public
My Commission Expires September 29, 1983

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(STATE OF GEORGIA) (COUNTY OF CLAYTON)

AFFAIDAVIT OF HARVEY K. HAWKINS
FECMUR 1381

Personally appeared before me, Harvey K. Hawkins, who being surely identified and duly sworn saith:

I participated in the early political meetings that led to the formation of the Committee of 56, the Constitution Party and the Thomson for President Campaign Committee organised by Meldrim Thomson.

I served on the Committee of 56, a forerunner of the Constitution Party. The Committee of 56 was organised on April 27, 1979 at a meeting in Chicago Illinois. Its purpose was to explore the practicality of organizing and later the formation of a new Conservative national political party.

I had several discussions with Governor Thomson and other Constitution Party leaders concerning the ultimate purpose and goals of this movement.

The general consenious among all these participants was that this was not primarily a Presidential campaign for Governor Thomson, but the ultimate purpose was to organise a national political party that could elect many candidates to local, state and federal office. Governor Thomson said on many occasions that he did not believe that he could be elected in 1980 but was willing to make the sacrifice which would enable the Party to build for the future.

My intent, certainly, and the expressed intent of all the other leaders and supporters of this movement was to establish a national political party.

Dr. Frank Shelton of Kansas was appointed chairman, pro tem, of the National Party (Executive Committee) but day to day operations were handled from the party's national office in Concord New Hampshire.

I participated in a conserted effort made to organize various state committees for the Constitution Party. In fact on April 8th there was at least 29 State Committees organised in some fashion. Most of these 29 states had held State Conventions under applicable state laws and formally organized, elected officers, nominated state and local candidates, selected Presidential Electors, and National Convention Delegates etc.

Mr. George Melton, Rufus Shackelford, and I traveled to and helped organize the Party in a number of these 29 states. George Melton concentrated on organization and my main concern was helping them organize the Ballot Position effort.

A new Political Party must of course qualify for Ballot position in every state in which it wishes to run a candidate. When Governor Thomson withdrew on April 8th the Constitution Party had qualified the Presidential Candidate for the statewide ballot in four states---Alabama, Utah, Maine, and Wisconsin. Major ballot position efforts were underway in most of the other 25 states where we were organized.

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The Party Headquarters in Concord New Hampshire exercised daily direction and control of these State Committees in at least 29 states. Letters and phone calls were received almost daily from Party national headquarters in Concord New Hampshire. Press Releases about the Campaign and ballot qualifications were circulated and published in the national press.

Plans were being made to conduct a National Presidential Nominating and Party Organizing Convention during the summer of 1979. I was assigned the task of visiting St. Louis and surveying the facilities available for this National Convention. Dr. Frank Shelton did likewise at Kansas City and Mr. Bill Skees looked at Dallas Texas. The site and date selection was to have been made at the April 8th Advisory Committee meeting in Kansas City.

The legal affairs for the Party were handled by Mr. Douglas Bourdon Jr. at the Concord New Hampshire headquarters. Mr. Bourdon did extensive research on the ballot qualification procedures of the various states and in fact complied and published a very thorough and comprehesive report on these procedures.

I was named National Director of Ballot Position to coordinate the ballot qualification drives in the various states. In the various meetings and discussions concerning Party and Campaign financing, it was my understanding that the Party had already qualified with the FEC as a National Committee of a Political Party and could accept contributions up to the $20,000. limit. I did not learn until my visit to the FEC in September 1980 that the Party was recognized only as a political committee and thus limited accepting $5,000. from any one individual.

At that time I was unfamiliar with the FEC Act, but my research since only strengthens my belief that the Party and its Advisory Committee did constitute a National Committee of a Political Party in fact if not in name.

I reviewed the FEC Advisory Opinion AO 1980-3 Citizens Party as National Party. That Advisory Opinion cites 2 U.S.C. 431(14), which defines a National Committee as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level." 2 U.S.C. 431(16) defines political party as "an association, committee, 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.

Even though the Constitution Party and its Advisory Committee did not formally adopt a Constitution and by laws, it did exercise control and was responsible for the day to day operation of an organization at the national level which qualified the party's Presidential Candidate for the ballot in at least four states under the Constitution Party banner.

On April 8, 1980 an Advisory Committee meeting was held in Kansas City Mo. At that time Governor Thomson announced his withdrawal from the Presidential race citing inadequate financial contributions to his campaign committee and the apparant success of the Reagan campaign.

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The National Chairman Pro Tem of the Constitution Party, Dr. Frank Shelton called a meeting of Party leaders for May 3-4, 1980 at his home in Cherryvale Kansas to discuss the future of the Constitution Party. Most attendees were in favor of waiting until the General Election was over before attempting any further organizational activity.

Athough we were planning an open convention, at the insistance of Governor Thomson, he was the founder and driving force behind the party organization effort.

His withdrawal as a candidate for the Presidential nomination, had a dispiriting effect on all of us who were carrying on the local organizing efforts.

Another meeting was held on November 15, 1980 in Kansas City Mo. At that meeting a decision was made to proceed with preliminary organization of a new political party consisting of as many conservatives and constitutionalists as could be unified into a "new Constitution Party".

Another meeting was held on June 20-21, 1981 at St. Louis Mo. A decision was reached to hold a National Convention on Dec 4-6, 1981 in Jacksonville Fla. to formally organize the new Constitution Party, elect officers, adopt a Constitution and By Laws and a Platform etc.

In my discussions in the summer of 1980 with several people that had been active with the Constitution Party, it seemed likely that the November 1980 meeting might produce a decision to reactivate the Constitution Party. I decided that it would be prudent to visit the FEC, check the file on the Constitution Party and make sure that all reports were up to date and prepare myself to answer any financial questions that might arise at the November meeting.

Much to my surprise I discovered in the FEC corespondence file a letter from the FEC to Mr. Mannigham, the party treasurer, requesting further information documenting the Party's "national committee" status. I was referred to a Miss Lisa Stolaruk in the Reports Analysis Division. Miss Stolaruk told me that the Constitution Party had not qualified as a "National Committee of a Political Party" and therefore could not legally accept contributions in excess of $5,000. from any one individual.

She told me that the Party had accepted three contributions in excess of $5,000. and that the FEC had requested further information to establish the "national committee" status of the Constitution Party. Mr. Manningham and Mr. Bourdon had not been forthcoming with such information to date. She gave me a copy of A01980-3 and we discussed the criteria for "national committee" status.

I told her that I believed that we qualified and it was only a matter of getting the documonatation. I suggested that she phone Mr. Peter Thomson and discuss the matter with him. I promised my cooperation.

I phoned Miss Stolaruk on several occasions after that attempting to find out if Mr. Manningham or Mr. Thomson had supplied the necessary information. I also was interested in what action the FEC might take if the "national committee" status was not proven. Dr. Frank Shelton and I were in regular communication during my discussions with Miss Stoluruk. We were concerned

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that if the Party was reactiviated, the FEC might order it to repay the "alledged excess contributions". Miss Stolaruk would never committ herself to any answer to that question.

Dr. Frank Shelton finally requested an Advisory Opinion to answer that question. It was issued as AO 1981-30.

Further affiant saith not.

HARVEY K. HAWKINS

SUBSCRIBED TO AND SWORN TOO

Date

NOTORY PUBLIC FOR Ellen L. Hawkins

My commission expires 3-84

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Miss Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1981

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

This is in response to your letter dated October 29, 1981 requesting an extension until November 16, 1981 to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

After considering the circumstances of this matter, the Commission has granted your request for an extension. Accordingly, this office will expect your response no later than November 16,1981.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

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Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

This is in response to your letter dated October 29, 1981 requesting an extension until November 16, 1981 to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

After considering the circumstances of this matter, the Commission has granted your request for an extension. Accordingly, this office will expect your response no later than November 16,1981.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

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MT
11/13/81

BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | MUR 1381 |
| The Constitution Party | ) | |

**CERTIFICATION**

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 12, 1981, the Commission decided by a vote of 4-0 to take the following actions regarding MUR 1381:

1. Grant an extension of time, not to exceed November 16, 1981, to Mr. Ingram in order to respond to the Commission's findings.

2. Approve the letter as submitted with the General Counsel's November 6, 1981 memorandum.

Commissioners Harris, McGarry, Thomson and Tiernan voted affirmatively in this matter; Commissioners Aikens and Reiche did not cast votes in this matter.

Attest:

11-12-81
Date

Jody A. Custer
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 11-6-81, 12:04
Circulated on 48 hour vote basis: 11-9-81, 11:00

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November 6, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1381

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

81 NOV 6 P12: 04

November 6, 1981

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: Request for Extension of Time-MUR 1381

On October 21,1981, the Commission approved a request for an extension of time, not to exceed November 2, 1981, to Mr. Ingram in order to respond to the reason to believe findings in this matter. On October 30, 1981, this office received a request from Mr. Ingram for a further extension of time, not to exceed November 16, 1981. This request is due to a personal matter which has occupied much of Mr. Ingram's time of late. Due to the short amount of time requested, this office recommends the Commission grant Mr. Ingram's request.

Recommendations

1. Grant an extension of time, not to exceed November 16, 1981, to Mr. Ingram in order to respond to the Commission's findings.

2. Approve the attached letter.

Attachments

1. Letter from Ingram
2. Proposed letter

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LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

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Attachment 1

5740

October 29, 1981

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

Thank you for the kind consideration of the Commission in extending response time to the respondents in the above referenced matter. It is with considerable embarassment that I am forced to request a further extension until November 16, 1981. As I stated in my letter of September 30, 1981, I had a pressing personal matter which would occupy much of my time through mid-October, and I needed still additional time to assemble the responsive evidence and various affidavits in this matter.

Conclusion of the personal matter has been delayed (indeed I have had to get an extension of time for that) by the arrival of an out-of-town client on October 13, whose almost unannounced three day visit has required my services on Capital Hill every day since then save three. Although a great deal of the material relevant to this MUR has been sent to me, there yet remains much to do by way of finalizing affidavits, etcetera, which the intervening and uncontrolable events have delayed.

My schedule puts me out of town for client meetings on the 6th, 9th and 10th of November. Yesterday and today, I have been going over documents thus far received, and I expect to be able to do some of my work on this MUR before I depart, although most will surely be held over for my return. My personal matter will be in sufficient order to turn over to a specialist this Monday, November 2, at which time I can devote the several days prior to my departure to this MUR.

I earnestly plead for your patience and cooperation.

In the meantime, I would briefly address the issues in MUR 1381.

Shackelford's, Skees' and Wilbanks' contributions were excessive only if the Constitution Party were not, at the time of their contributions, a national committee. They violated the law, moreover, only if they knew that and "willfully" made the excessive contribution.

Your letter of August 14, 1981, addressed separately to each of them, makes no allegation of knowledge or wilfullness. Further, it does not allege that any or all of them knew, or had reason to suspect, that the Constitution Party was other than what it represented itself to be if in fact it was not a national committee and/or party.

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What they knew of were the activities in which the committee was engaged; activities in which they participated; activities which concentrated on developing the state organizations and a national convention; activities which were directed daily from the national committee office in New Hampshire.

Advisory Opinion 1980-3, says "Documentation ... demonstrate(s) that (the committee) is engaged in sufficient activity on the national level to qualify as the "national committee" at such time as the Citizens Party qualifies as a "political party."

The quoted statute law which forms the basis of that AO states that a "political party is 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." The same letter states that the Constitution Party had two candidates for the U.S. House of Representatives, an undisputable "federal office."

Clearly, by your own view of the facts the Constitution Party qualifies as a "political party" under the Act. The question which remains about the party, is whether its national committee qualifies as a "national committee" under the Act.

The same AO further quotes the statute as defining "National Committee" as "the organization which by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level."

We concede that the Constitution party had not, at the time of the subject contributions, adopted any bylaws, but there is no suggestion in your letter or in the records as I have become familiar with them that Shackelford, Skees and Wilbanks, or any of them, knew that fact. But in any event, the triviality of that temporary bylaw void is made apparent by the Advisory Opinion.

The activities in which the committee was engaged, and of which Shackelford, Skees and Wilbanks had personal knowlege, were the activities which anyone familiar with political parties, especially ones in the process of organization (a circumstance in which all three respondents have had prior experience), would expect of their national committees.

AO 1980-3 addresses this directly as I noted on the preceeding page. It proceeds in eloquent detail to clarify the matter even further. "The Committee has established a (1) national office which is responsible for (2) daily coordination of ... Party activity as well as (3) dissemination of party information to the public and (4) maintenance of communication channels within the party. Further, the ... Party has (5) adopted procedures to aid in the establishment of state affiliates across the country. ... (6) state committees are now in operation and have (7) filed with the Commission. In order to determine (8) party platform, (9) party

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structure, (10) the election of officers and its (11) Presidential nomination, the ... Party has called for (12) a national convention to be held ... . As discusses previously, the ... Party plans to select party candidates to run for national, State and local offices and to that end, has (13) contacted each State election office to develop a schedule of state ballot access deadlines for the benefit of potential candidates. Finally, the ... Party has instituted plans to engage in (14) voter registration and (15) get-out-the-vote drives in each state.

"Thus, assuming that the ... Party proceeds on a (16) continuing basis with implementing its stated plans with regard to party bulding activities, the Commission concludes that the Executive Committee of the ... Party would qualify as a "national committee" of a political party when the ... Party attains political (17) party status under the Act; that is when verification is obtained from the appropriate State official that the name of a ... Party candidate for Federal office will appear on that State's ballot as the candidate of the ... Party." (indices added)

Nowhere in that excellent discription of a defacto national committee is there a reference to by-laws.

With respect to "National Committee," the Act appears to be definitional rather than mandatory.

Does a committee with the bylaws of a political party and no authentic party activity qualify, ipso facto, as a "national committee"? If so, what an easy way to circumvent contribution limits. But that is, of course, the literal meaning of the Act.

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Put another way, the other prerequisites of national committee status one might wish to add to the Act of Congress are not merely augmentive but substitutional.

Advisory Opinion 1980-30 realistically acknowledges that there are certain activities in which a committee can engage which confer upon it national committee status without making reference to bylaws.

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Such an interpretation would create a practical prohibition to the development of new political parties and, thus, render the Act unconstitutional.

Apart from consideration of arcane questions under the supreme law of the land, there is the immediately apropos issue of whether Shackelford, Skees and Wilbanks could have, even arguably, "knowingly and willfully" violated the Act if the so-called violation was the proximate result of factors which occurred after the making of their contributions.

Obviously, the same question may be asked of the party in accepting the contributions.

Your letter also states that the party used the subject contributions, virtually in their entireties, to pay for an party advertisment in the Wall Street Journal. That is clearly a legitimate "party building activity" unrelated to Governor Thomson's candidacy for the party's nomination. The fact that he was a candidate for nomination is irrelevant to the status of the party or its national committee, for history records no party founded by someone other than its principal candidate.

The principal issues in this MUR boils down to this: Did Shackelford, Skees and Wilbanks have knowledge of the technical bylaw defect of the Constitution Party? Or given all the party activities and the purpose for which their contribution was solicited and indeed used, could they have had reason to suspect that the committee was not entitled to national committee status?

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Under such circumstances, could they have wilfully violated the Act?

In the alternative to my request for an extension of time for further response, the Commission or its General Counsel might consider discharge of this matter from further review.

Many thanks for your consideration.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

cc:
Hon. John Warren McGarry, Chairman
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Mr. Rufus Shackelford
Mr. W. A. Skees
Hon. Meldrim Thomson
Mr. Bruce Wilbanks

8204032257 7

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1378

Dear Mr. Ingram:

This is in response to your letter dated October 29, 1981 requesting an extension until November 16, 1981 to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

After considering the circumstances of this matter, the Commission has granted your request for an extension. Accordingly, this office will expect your response no later than November 16,1981.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8204032257 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: NOVEMBER 2, 1981

SUBJECT: REFERRAL OF LETTER REGARDING MUR 1381

The attached letter regarding MUR 1381 was received in Chairman McGarry's office and then forwarded to the Secretary of the Commission. It is provided for your action.

Attachment:

Letter dated October 29, 1981
from Louis W. Ingram, Jr.

8204032579

81 OCT 2 A11:22
GENERAL COUNSEL

QCC 5749

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 OCT 30 P3:35

October 29, 1981

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

Attached is a letter of even date addressed to you and directed to the attention of Marybeth Tarrant concerning MUR 1381. It requests a further extension of time, discusses some of the principal issues raised in this review, and in the alternative suggests the discharge of the review by your General Counsel.

My purpose in providing a copy of this letter to you, and to each of your colleagues, is to keep you apprised of the development of this matter from the view of the respondents.

I appreciate your kind consideration in further extending the response time for my clients as the delay results from scheduling difficulties with respect to my own time which would otherwise work an undue hardship on their interests.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

encl.

cc:
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan

82040322580

RECEIVED
GENERAL COUNSEL
81 OCT 2 A11:22
81 NOV 2 A11:46

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

October 29, 1981

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

Thank you for the kind consideration of the Commission in extending response time to the respondents in the above referenced matter. It is with considerable embarassment that I am forced to request a further extension until November 16, 1981. As I stated in my letter of September 30, 1981, I had a pressing personal matter which would occupy much of my time through mid-October, and I needed still additional time to assemble the responsive evidence and various affidavits in this matter.

Conclusion of the personal matter has been delayed (indeed I have had to get an extension of time for that) by the arrival of an out-of-town client on October 13, whose almost unannounced three day visit has required my services on Capital Hill every day since then save three. Although a great deal of the material relevant to this MUR has been sent to me, there yet remains much to do by way of finalizing affidavits, etcetera, which the intervening and uncontrolable events have delayed.

My schedule puts me out of town for client meetings on the 6th, 9th and 10th of November. Yesterday and today, I have been going over documents thus far received, and I expect to be able to do some of my work on this MUR before I depart, although most will surely be held over for my return. My personal matter will be in sufficient order to turn over to a specialist this Monday, November 2, at which time I can devote the several days prior to my departure to this MUR.

I earnestly plead for your patience and cooperation.

In the meantime, I would briefly address the issues in MUR 1381.

Shackelford's, Skees' and Wilbanks' contributions were excessive only if the Constitution Party were not, at the time of their contributions, a national committee. They violated the law, moreover, only if they knew that and "willfully" made the excessive contribution.

Your letter of August 14, 1981, addressed separately to each of them, makes no allegation of knowledge or wilfullness. Further, it does not allege that any or all of them knew, or had reason to suspect, that the Constitution Party was other than what it represented itself to be if in fact it was not a national committee and/or party.

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What they knew of were the activities in which the committee was engaged; activities in which they participated; activities which concentrated on developing the state organizations and a national convention; activities which were directed daily from the national committee office in New Hampshire.

Advisory Opinion 1980-3, says "Documentation ... demonstrate(s) that (the committee) is engaged in sufficient activity on the national level to qualify as the "national committee" at such time as the Citizens Party qualifies as a "political party."

The quoted statute law which forms the basis of that AO states that a "political party is 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." The same letter states that the Constitution Party had two candidates for the U.S. House of Representatives, an undisputable "federal office."

Clearly, by your own view of the facts the Constitution Party qualifies as a "political party" under the Act. The question which remains about the party, is whether its national committee qualifies as a "national committee" under the Act.

The same AO further quotes the statute as defining "National Committee" as "the organization which by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level."

We concede that the Constitution party had not, at the time of the subject contributions, adopted any bylaws, but there is no suggestion in your letter or in the records as I have become familiar with them that Shackelford, Skees and Wilbanks, or any of them, knew that fact. But in any event, the triviality of that temporary bylaw void is made apparent by the Advisory Opinion.

The activities in which the committee was engaged, and of which Shackelford, Skees and Wilbanks had personal knowlege, were the activities which anyone familiar with political parties, especially ones in the process of organization (a circumstance in which all three respondents have had prior experience), would expect of their national committees.

AO 1980-3 addresses this directly as I noted on the preceeding page. It proceeds in eloquent detail to clarify the matter even further. "The Committee has established a (1) national office which is responsible for (2) daily coordination of ... Party activity as well as (3) dissemination of party information to the public and (4) maintenance of communication channels within the party. Further, the ... Party has (5) adopted procedures to aid in the establishment of state affiliates across the country. ... (6) state committees are now in operation and have (7) filed with the Commission. In order to determine (8) party platform, (9) party

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structure, (10) the election of officers and its (11) Presidential nomination, the ... Party has called for (12) a national convention to be held ... . As discusses previously, the ... Party plans to select party candidates to run for national, State and local offices and to that end, has (13) contacted each State election office to develop a schedule of state ballot access deadlines for the benefit of potential candidates. Finally, the ... Party has instituted plans to engage in (14) voter registration and (15) get-out-the-vote drives in each state.

"Thus, assuming that the ... Party proceeds on a (16) continuing basis with implementing its stated plans with regard to party bulding activities, the Commission concludes that the Executive Committee of the ... Party would qualify as a "national committee" of a political party when the ... Party attains political (17) party status under the Act; that is when verification is obtained from the appropriate State official that the name of a ... Party candidate for Federal office will appear on that State's ballot as the candidate of the ... Party." (indices added)

Nowhere in that excellent discription of a defacto national committee is there a reference to by-laws.

With respect to "National Committee," the Act appears to be definitional rather than mandatory.

Does a committee with the bylaws of a political party and no authentic party activity qualify, ipso facto, as a "national committee"? If so, what an easy way to circumvent contribution limits. But that is, of course, the literal meaning of the Act.

If one argues that the phrase, "by virtue of the bylaws of a political party", within the context of the Section, is not the exclusive prerequisite of national committee status, one can hardly maintain that it remains a mandatory prerequisite.

Put another way, the other prerequisites of national committee status one might wish to add to the Act of Congress are not merely augmentive but substitutional.

Advisory Opinion 1980-30 realistically acknowledges that there are certain activities in which a committee can engage which confer upon it national committee status without making reference to bylaws.

It is presumed in law that every organization operates under Rules of Order, either those particularly its own or one of several leading expositions of procedure such as "Roberts" or "Deschler." Delegate strength from the national party's constituent state committees is defined by the "one man, one vote" rule. There are, of course, many other details of party organization, but these are the sine qua non, and they apply with or without formal adoption of "bylaws."

It was the intention of the party leaders to adopt formal party rules

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and bylaws at its first convention. In the meantime, there was sufficient general agreement among the participants as to the initial objectives and methods, that bylaws were not immediately necessary as other than a formality.

You have already conceeded item (17), "political party status," so the Constitution party executive committee need only demonstrate that it falls within the rubric of items 1-15, to qualify as a "national committee."

That leaves the crucial question raised by item (16), "continuing basis." Obviously, the party ran several candidates for Federal office, but otherwise did not continue its "party building activities" after April 8, 1980. But, is that really the question.

Once a committee has attained national committee status can it be divested of that status in any way other than by filing a termination report with or through the administrative action of the Commission? But that is not the real question either.

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Such an interpretation would create a practical prohibition to the development of new political parties and, thus, render the Act unconstitutional.

Apart from consideration of arcane questions under the supreme law of the land, there is the immediately apropos issue of whether Shackelford, Skees and Wilbanks could have, even arguably, "knowingly and willfully" violated the Act if the so-called violation was the proximate result of factors which occurred after the making of their contributions.

Obviously, the same question may be asked of the party in accepting the contributions.

Your letter also states that the party used the subject contributions, virtually in their entireties, to pay for an party advertisment in the Wall Street Journal. That is clearly a legitimate "party building activity" unrelated to Governor Thomson's candidacy for the party's nomination. The fact that he was a candidate for nomination is irrelevant to the status of the party or its national committee, for history records no party founded by someone other than its principal candidate.

The principal issues in this MUR boils down to this: Did Shackelford, Skees and Wilbanks have knowledge of the technical bylaw defect of the Constitution Party? Or given all the party activities and the purpose for which their contribution was solicited and indeed used, could they have had reason to suspect that the committee was not entitled to national committee status?

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Under such circumstances, could they have wilfully violated the Act?

In the alternative to my request for an extension of time for further response, the Commission or its General Counsel might consider discharge of this matter from further review.

Many thanks for your consideration.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

cc:
Hon. John Warren McGarry, Chairman
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Mr. Rufus Shackelford
Mr. W. A. Skees
Hon. Meldrim Thomson
Mr. Bruce Wilbanks

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LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

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Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

6CCF# 5740

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

6CCF# 5740

October 29, 1981 81 OCT 30 P3:41

Hon. John Warren McGarry, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

Thank you for the kind consideration of the Commission in extending response time to the respondents in the above referenced matter. It is with considerable embarassment that I am forced to request a further extension until November 16, 1981. As I stated in my letter of September 30, 1981, I had a pressing personal matter which would occupy much of my time through mid-October, and I needed still additional time to assemble the responsive evidence and various affidavits in this matter.

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8204032589

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Many thanks for your consideration.

Very truly yours,

Louis Wilson Ingram, Jr.

780-3274

cc:
Hon. John Warren McGarry, Chairman
Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Mr. Rufus Shackelford
Mr. W. A. Skees
Hon. Meldrim Thomson
Mr. Bruce Wilbanks

8204032259 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 1981

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

This is in reference to your letter dated September 30, 1981 requesting an extension until November 2, 1981 to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

After considering the circumstances of this matter, the Commission has granted your request for an extension. Accordingly, this office will expect your response no later than November 2, 1981.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

82040322592

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

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If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

8204032259 3

MT
10/22/81

LOUIS WILSON INGRAM, JR.
8213 Doctor Craik Court
Alexandria, Virginia 22306

OFFICE OF
GENERAL COUNSEL

'81 OCT30 P3:42

Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

8204032259 4

BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | MUR 1381 |
| The Constitution Party | ) | |
| Rufus Shackelford | ) | |
| Bruce A. Wilbanks | ) | |
| W. A. Skees | ) | |

**CERTIFICATION**

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 21, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1381:

1. Grant an extension of time not to exceed November 2, 1981, to Mr. Ingram in order to respond to the RTB findings.

2. Approve the letter as submitted with the General Counsel's October 19, 1981 memorandum.

Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

10/21/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of the Commission Secretary: 10-19-81, 10:18
Circulated on 48 hour vote basis: 10-19-81, 4:00

8204032295

October 19, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1381

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

8204032259 6

SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
81 OCT 19 A10: 18

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 19, 1981

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: Request for Extension of Time-MUR 1381

On August 12, 1981, the Commission found reason to believe that the Constitution Party, Rufus Shackelford, Bruce A. Wilbanks and W.A. Skees all violated 2 U.S.C. § 441a. Letters, along with the General Counsel's Factual and Legal Analysis, were sent to all four respondents.

On August 26, 1981, this office received a call from Lewis Ingram who stated he would be representing Messrs. Shackelford, Wilbanks and Skees in this matter. He further stated that all three were sending him designation of counsel forms along with the General Counsel's Legal and Factual Analysis. On August 31, 1981, Mr. Ingram again called to say that he was sending in the forms but that he needed more time in which to respond to the RTB findings.

On September 14, 1981, this office received the forms along with a cover letter from Mr. Ingram which briefly responded to the Commission's findings. Mr. Ingram stated, however, that he would be enlarging on this response.

On October 1, 1981, this office received a request for an extension of time, until November 2, 1981, from Mr. Ingram in order to respond to the RTB findings. See Attachment 1.

8204032597

In his request Mr. Ingram details what type of material he hopes to produce during this time period in addition to citing his reasons for asking for the extension. They are: 1) a pressing personal problem which will require most of his time during the first two weeks in October, 2) an out of town meeting in mid-October and 3) his need to travel to some of the party offices in order to examine some material for this matter.

The Commission's reason to believe notification requested a response within ten days, making it due on approximately August 30. Respondents' request for an extension was received well after that date. For that reason, and because respondents' request for more time would, if granted, result in a 64 day extension, the Office of General Counsel is presenting this matter to the Commission for approval. See the Memorandum to the Commission dated February 17, 1981, Agenda Document #81-50.

Due to the reasons presented by Mr. Ingram and the relevancy of the material he hopes to obtain, the General Counsel recommends that the Commission grant the requested extension.

Recommendations

1. Grant an extension of time not to exceed November 2, 1981, to Mr. Ingram in order to respond to the RTB findings.
2. Approve the attached letter.

Attachments

1. Letter from Ingram
2. Proposed letter

9204032259 8

Tarrant
Attachment 1

LOUIS WILSON INGRAM

Hon. Frank P. Reiche, Vice Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Commissioner:

Attached is a letter directed this day to Maybeth Tarrant concerning MUR-1381, in which matter I represent the respondents. The principal purpose of the attached letter is to request an extension of time, but the letter also indicates the thrust of our response.

My purpose in providing a copy of this correspondence to you, and to each of the Commissioners, it to keep you apprised, from the viewpoint of my clients, in the development of this matter.

I anticipate a thorough and fair handling of this review by the Commission staff.

Very truly yours,

Louis Wilson Ingram

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

September 30, 1981

780-3274

82040322599

01 OCT 1 P12:10

LOUIS WILSON INGRAM

September 30, 1984 OCT 1 P12: 57

Hon. John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. Chairman:

The principal purpose of this letter is to request an extension of time in the consideration of the above referenced Matter Under Review.

To date my clients have received, and have turned over to me, your initial letter with its attached "Factual Basis and Legal Analysis" prepared by the General Counsel. I have forwarded to the Commission designations of Counsel and an initial, general response (a copy of which is attached hereto).

The principal response to be made on behalf of the individual respondents Shackelford, Wilbanks and Skees turns on the establishment of certain facts which I am now attempting to pull together in a format that would be most useful to the Commission and its staff. For that, more time is necessary.

I expect to provide the following material:

(1) An affidavit introducing letters received by the national committee of the Constitution Party from its various state organizers and/or state party officers demonstrating the day to day role of the national committee in the formation and organization of state parties and the securing of ballot position.

(2) An affidavit by the office manager of the natioal committee attesting to the day to day party activities.

(3) An affidavit with attached Exhibits demonstrating that the bylaws (and other organizational details controlling the rights and priveleges of membership) were deliberately left to the planned convention.

(4) An affidavit with attached Exhibits demonstrating that Thomson was running for the new party's nomination with appropriate materials further demonstrating that had he "seized" the nomination as an adjunct to his role as party founder (without permitting an open covention) it could then, and then only, be said that he conceived the party as a "vehicle for his campaign."

(5) An affidavit introducing correspondence between national party offices in New Hampshire and party chairman, Frank Shelton, demonstrating his personal knowledge of activities which could be carried on only by a national political party.

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(6) Affidavits from certain state officers, or former officers, introducing a variety of documents demonstrating the organizational status and day to day operations of these subordinate units of the national committee.

(7) Affidavits from Shackelford, Wilbanks and Skees attesting to their relationship to the state and national parties, and to their knowledge and belief that the Constitution Party was indeed a party as it represented itself to be.

(8) An affidavit from Harvey Hawkins attesting to the fact that his perception of the national committee's "qualification" as a party was influenced by threatening insinuations by Commission staff.

(9) Certain other material that might be deemed, after a personal examination of the party files in New Hampshire, preminimarily useful to the General Counsel in determining whether to recommend a "probable cause" conclusion by the Commission.

(10) Statements or affidavits by political science scholars as to what minimum activities constitute a de jure political party.

In the meantime, I have a pressing personal problem which is going to require virtully uninterupted application during the first two weeks of October, and immediately following that a corporate Board meeting out of town. During that period, various people will be working on the above mentioned affidavits, but I cannot travel to the party offices earlier than October 20, to examine the remaining materials.

In view of these obligations, I hope the Commission will extend to me the courtesy of not requiring further response until Monday, November 2, 1981.

Very truly yours,

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

cc: Hon. Joan D. Aikens
Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Marybeth Tarrant
Rufus Shackelford
W. A. Skees
Meldrim Thomson
Bruce Wilbanks

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**LOUIS WILSON INGRAM**

John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Dear Mr. McGary:

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I have just received a communication from Meldrim Thompson, and as soon as I have had an opportunity to digest the basis of the Commission's complaint, the applicable statutory provisions, the relevant regulations, and the material already provided by my clients, I will respond in more detail.

For the moment, each of the above named gentlemen acted in the belief that The Constitution Party was, in fact, a political party to which they could lawfully make the contributions reported. It would presently appear that the issues boil down to whether the Party qualified, whether these contributors had actual knowledge that the Party was not qualified, and whether contributors can be required to investigate the "qualification" of a political party beyond obtaining information generally available in the press.

On the basis of such information in circulation during the relevant period, a reasonable man might justifiably conclude that the Constitution Party was a party as contemplated in 2 USC 431. It is my understanding that Messrs. Skees and Wilbanks were actively involved in attempting to form the Texas Constitution Party which would have been an associated committee of the national committee, and that similar activity was being carried on in many states across the country. The ramifications of the withdrawl of the presidential candidate (after the subject contributions were made) which may have weakened the claim of the party to qualification cannot be attributed to these respondents.

In my personal experience, I know that Meldrim Thompson was using his candidacy as a vehicle to form the Constitution Party rather than vica versa.

As I obtain more information, I will enlarge this response. You might advise me whether the Commission prefers to handle these three respondents jointly or individually.

Many thanks for your thoughtful consideration of this matter.

Yours very truly,

Louis Wilson Ingram, Jr.

September 5, 1981

8213 Doctor Craik Court
Alexandria, Virginia 22306
780-3274

Attachment 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

Re: MUR 1381

Dear Mr. Ingram:

This is in reference to your letter dated September 30, 1981 requesting an extension until November 2, 1981 to respond to the Commission's notice that it has reason to believe that your clients have violated the Act.

After considering the circumstances of this matter, the Commission has granted your request for an extension. Accordingly, this office will expect your response no later than November 2, 1981.

If you have any questions, please contact Marybeth Tarrant at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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CCC# 0595

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: OCTOBER 1, 1981

SUBJECT: REFERRAL OF LETTER REGARDING MUR 1381

81 SEP 31 P2:12
GENERAL COUNSEL

The attached letter regarding MUR 1381 was received in Vice Chairman Reiche's office and then forwarded to the Office of the Commission Secretary. It is provided for your action.

Also attached is Chairman McGarry's copy of the letter which was forwarded to this office.

Attachment:
Letter from Louis W. Ingram, Jr.
Dated September 30, 1981

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LOUIS WILSON INGRAM

Hon. Frank P. Reiche, Vice Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Commissioner:

Attached is a letter directed this day to Maybeth Tarrant concerning MUR-1381, in which matter I represent the respondents. The principal purpose of the attached letter is to request an extension of time, but the letter also indicates the thrust of our response.

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Very truly yours,

Louis Wilson Ingram, Jr.
8213 Doctor Craik Court
Alexandria, Virginia 22306

September 30, 1981

780-3274

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81 OCT 1 P12: 10

COMMISSION SECRETARY

LOUIS WILSON INGRAM

September 30, 1981

Hon. John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
. Shackelford, Skees, Wilbanks

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Alexandria, Virginia 22306

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Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Marybeth Tarrant
Rufus Shackelford
W. A. Skees
Meldrim Thomson
Bruce Wilbanks

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LOUIS WILSON INGRAM

John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

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September 5, 1981

8213 Doctor Craik Court
Alexandria, Virginia 22306
780-3274

LOUIS W. INGRAM, JR.
8313 Doctor Craik Ct.
Alexandria, Virginia 22306

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Hon. Frank P. Reiche, Vice Chairman
Federal Election Commission
Washington, D.C. 20463

81 OCT 1 AM 11:31

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

LOUIS WILSON INGRAM

September 30, 1984 OCT 1 P12: 57

Hon. John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

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Alexandria, Virginia 22306

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Hon. Thomas E. Harris
Hon. Frank P. Reiche, Vice Chairman
Hon. Vernon W. Thompson
Hon. Robert O. Tiernan
Marybeth Tarrant
Rufus Shackelford
W. A. Skees
Meldrim Thomson
Bruce Wilbanks

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**LOUIS WILSON INGRAM**

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Federal Election Commission
Washington, D.C. 20463

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Shackelford, Skees, Wilbanks

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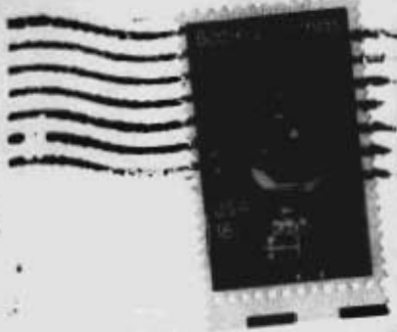
September 5, 1981

8213 Doctor Craik Court
Alexandria, Virginia 22306
780-3274

LOUIS W. INGRAM, JR.
6213 Doctor Craik Ct.
Alexandria, Virginia 22306



Hon. John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

LOUIS WILSON INGRAM

September 30, 1981 SEP 31 P4:28

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Federal Election Commission
Washington, D.C. 20463

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Bruce Wilbanks

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**LOUIS WILSON INGRAM**

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Federal Election Commission
Washington, D.C. 20463

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Shackelford, Skees, Wilbanks

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September 5, 1981

8213 Doctor Craik Court
Alexandria, Virginia 22306
780-3274

LOUIS W. INGRAM, JR.
8213 Doctor Creik Ct.
Alexandria, Virginia 22306

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Babe Zaharias
USA
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Marybeth Tarrant
Federal Election Commission
Washington, D.C. 20463

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Docket 5439

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

81 SEP 14 A9:58

81 SEP 14 P1:11

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

LOUIS WILSON INGRAM

John Warren McGary, Chairman
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1381, Constitution Party
Shackelford, Skees, Wilbanks

Tarrant

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September 5, 1981

8213 Doctor Craik Court
Alexandria, Virginia 22306
780-3274

8204032261

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL:

ADDRESS: LOUIS W. INGRAM, JR.
8213 Doctor Craik Ct.
Alexandria, Virginia 22306

TELEPHONE: 703/ 780-3274

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

August 26th 1981
Date

W A Skees
Signature

NAME: W.A. Skees

ADDRESS: Box 1015
Midland, Tx 79702

HOME PHONE: 915-684-4106

BUSINESS PHONE: 915-682-3661

8204032261 9

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: LOUIS W. INGRAM, JR.

ADDRESS: 8213 Doctor Craik Ct.
Alexandria, Virginia 22306

TELEPHONE: 703/ 780-3274

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

AUGUST 26, 1981
Date

Bruce A. Wilbanks
Signature

NAME: BRUCE A. WILBANKS

ADDRESS: P. O. Box 763
MIDLAND, TEXAS 79702

HOME PHONE: (915) 683-7967

BUSINESS PHONE: (915) 682-7582

8204032220

## STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Atty. Louis W. Ingram Jr.

ADDRESS: 8213 Doctor Craik Ct.
Alexanderia, Va. 22306

TELEPHONE: (703) 780-3274

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

8-26-81
Date

Rufus Shackelford
Signature

NAME: Rufus E. Shackelford

ADDRESS: 104 Inglis Way
Wachulla, Florida 33873

HOME PHONE: (813) 773-6909

BUSINESS PHONE:

Signed and sworn before me this 26th day of August 1981

Linda Carter
Notary Public

My Commission expires: Notary Public, State Of Florida At Large
My Commission Expires Jan. 21, 1984
Bonded By SAFECO Insurance Company of America

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: SEPTEMBER 14, 1981

SUBJECT: REFERRAL OF LETTER REGARDING MUR 1381

The attached letter regarding designations of counsel was received in Chairman McGarry's office and then forwarded to the Secretary of the Commission. It is provided for your action.

Attachment:

Letter from Louis W. Ingram
dated September 5, 1981

8204032226 22

*LOUIS W. INGRAM, JR.*
*[illegible]3 Doctor Craik Ct.*
*Alexandria, Virginia 22306*

8204032262

John Warren McGary; Chairman
Federal Election Commission
Washington, D.C. 20463

ATTN: Marybeth Tarrant

RECEIVED
Gcoll 5420
81 SEP 8 P2:44

Mt. Cube Farm
Orford, N.H. 03777

"LIVE FREE OR DIE" — NEW HAMPSHIRE'S MOTTO

MUR1381

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
81 SEP 8 P3:50

September 3, 1981

Marybeth Tarrant
c/o General Counsel's Office
Fedreal Election Commission
Washington, D.C. 20463

Dear Miss Tarrant:

Since my letter of August 28th to you I have had an opportunity to speak with Louis W. Ingram, Jr. of 8213 Doctor Craik Court, Alexandria, Virginia, 22306, relative to the matter before you regarding the Constitution Party.

Mr. Ingram indicated that he had communicated with your office and will be representing those of us interested in providing a commission with whatever information we can.

I am now working with Mr. Ingram and expect he will be communicating directly with you.

Cordially yours,

Meldrim Thomson, Jr. (gb)

Meldrim Thomson, Jr.

MT/gb

CC: Louis W. Ingram, Jr.

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RECEIVED
GCC#5370
81 AUG31 A9:17

MUR 1381

August 28, 1981

Marybeth Tarrant
c/o General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

Dear Miss Tarrant:

This is to confirm my telephone conversation with you this afternoon indicating that I had received last Monday a copy of the letter of August 14 by Chairman John Warren McGarry relative to the Constitution Party.

This is the first time the matter posed in the letter of August 14 has come to my attention.

I am now trying to contact the attorney who advised us relative to contributions so that all of the facts and reasons concerning the problem raised may be provided to the commission immediately.

As I indicated in my conversation with you, I will contact you during this next week.

Cordially yours,

Meldrim Thomson, Jr.

Meldrim Thomson, Jr.

Telephone (603) 353-4814

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RECEIVED
OFFICE OF
GENERAL COUNSEL
'81 AUG31 A11:27

0 4 0 3 2 2 6 2

Marybeth Tarrant
c/o General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

8204032227

Marybeth Tarrant
c/o General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1981

Rufus Shackelford
104 Inglis Way
Wauchula, Florida 33873

Re: MUR 1381

Dear Mr. Shackelford:

On August 12, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by contributing $20,000 to the Constitution Party on November 29, 1979. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8204032226229

Rufus Shackelford
104 Inglis Way
Wauchula, Florida 33873

Re: MUR 1381

Dear Mr. Shackelford:

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Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

32040322631

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE August 14, 1981

MUR NO. 1381

STAFF MEMBER(S) & TEL. NO. Marybeth Tarrant

RESPONDENT Rufus Shackelford

(202) 523-4529

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party.

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He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

---

1/ According to the official 1980 vote returns as published by Congressional Quarterly Inc., it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

3 2 0 4 0 3 2 2 6 3 5

1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

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Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(a)(1)(C).

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Recommendation

1. Find reason to believe Rufus Shackelford violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1981

W. A. Skees
P.O. Box 1015
Midland, Texas 79702

Re: MUR 1381

Dear Mr. Skees:

On August 12, 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by contributing $10,000 to the Constitution Party on January 24, 1980. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this matter. Where appropriate, statements should be submitted under oath.

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Sincerely,

John Warren McGarry

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

82040322640

W. A. Skees
P.O. Box 1015
Midland, Texas 79702

Re: MUR 1361

Dear Mr. Skees:

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Sincerely,

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE August 14, 1981

MUR NO. 1381
STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202)523-4529

RESPONDENT W.A. Skees

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

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9204032264 4

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Recommendation

1. Find reason to believe W.A. Skees violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1981

Bruce A. Wilbanks
Box 763
Midland, Texas 79701

Re: MUR 1381

Dear Mr. Wilbanks:

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Sincerely,

John Warren McGarry
Chairman

Enclosures
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Procedures
Designation of Counsel Statement

8 2 0 4 0 3 2 2 6 5 1

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Box 763
Midland, Texas 79701

Re: MUR 1381

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The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE August 14, 1981

MUR NO. 1381

STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202)523-4529

RESPONDENT Bruce A. Wilbanks

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party.

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He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

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1/ According to the official 1980 vote returns as published by Congressional Quarterly Inc., it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

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1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

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Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(a)(1)(C).

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Recommendation

1. Find reason to believe Bruce A. Wilbanks violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 1981

J. H. Manningham, Treasurer
Constitution Party
P.O. Box 1768
Concord, New Hampshire 03301

Re: MUR 1381

Dear Mr. Manningham:

On August 12, 1981, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting excessive contributions from Rufus Shackelford, Bruce A. Wilbanks and W. A. Skees. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

John Warren McGarry
Chairman

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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J. H. Manningham, Treasurer
Constitution Party
P.O. Box 1788
Concord, New Hampshire 03301

Re: MUR 1381

Dear Mr. Manningham:

On , 1981, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting excessive contributions from Rufus Shakelford, Bruce A. Wilbanks and W. A. Skees. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

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For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

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General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE August 14, 1981

MUR NO. 1381

STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202)523-4529

RESPONDENT Constitution Party

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party.

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He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

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1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

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Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(f).

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**Recommendation**

1. Find reason to believe the Constitution Party violated 2 U.S.C. § 441a(f).

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BEFORE THE FEDERAL ELECTION COMMISSION

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | MUR 1381 |
| Constitution Party | ) | |
| Rufus Shackelford | ) | |
| Bruce A. Wilbanks | ) | |
| W.A. Skees | ) | |

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 12, 1981, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1381:

1. Open a MUR.

2. Find Reason to Believe that Rufus Shackelford violated 2 U.S.C. § 441a(a)(1)(C).

3. Find Reason to Believe that Bruce A. Wilbanks violated 2 U.S.C. § 441a(a)(1)(C).

4. Find Reason to Believe that W.A. Skees violated 2 U.S.C. §441a(a)(1)(C).

5. Find Reason to Believe that the Constitution Party violated 2 U.S.C. § 441a (f).

6. Approve the letters as attached to the First General Counsel's Report dated August 7, 1981.

(Continued)

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Commissioners Aikens, Harris, McGarry, Reiche, Thomson and Tiernan voted affirmatively in this matter.

Attest:

8-12-81 Marjorie W. Emmons

Date

Marjorie W. Emmons
Secretary of the Commission

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Received In Office of Commission Secretary: 8-7-81, 2:35
Circulated on 48 hour tally basis: 8-10-81, 11:00

SENSITIVE

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

81 AUG 7 P2:35

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION August 7, 1981

MUR # 1389
STAFF MEMBER(S)
Marybeth Tarrant

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENTS' NAME: Constitution Party, Rufus Shackelford, Bruce A. Wilbanks and W. A. Skees

RELEVANT STATUTE: 2 U.S.C. §§ 431(14), 431(16), 441a(a)(1)(B), 441a(a)(1)(C); Advisory Opinion 1980-3

INTERNAL REPORTS CHECKED: Constitution Party

FEDERAL AGENCIES CHECKED: None

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GENERATION OF MATTER

This matter was referred to the Office of General Counsel by the Reports Analysis Division (RAD).

SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

FACTUAL AND LEGAL ANALYSIS

On December 14, 1979, the Party filed a Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. See Attachment 1, p. 3. On its April 15, 1980 Quarterly Report, the Party reported the

receipt of two more possible excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W. A. Skees on January 24, 1980. See Attachment 1, p. 4.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). See Attachment 1, p. 5. Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. See Attachment 1, p. 7. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party. See Attachment 2.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. See Attachment 1, p. 8. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days. See Attachment 1, p. 10.

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This information was never received.

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United States in the 1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

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**Recommendations**

1. Open a MUR.

2. Find reason to believe that Rufus Shackelford violated 2 U.S.C. § 441a(a)(1)(C).

3. Find reason to believe that Bruce A. Wilbanks violated 2 U.S.C. § 441a(a)(1)(C).

4. Find reason to believe that W. A. Skees violated 2 U.S.C. § 441a(a)(1)(C).

5. Find reason to believe that the Constitution Party violated 2 U.S.C. § 441a(f).

6. Approve the attached letters.

Aug 7, 1981
Date

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachments

1. Referral from RAD
2. AO 1980-3
3. AOR 1981-30
4. Proposed letters

8204032260

August 7, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1381

Please have the attached First General Counsel's Report distributed to the Commission on a 48 hour tally basis. Thank you.

Attachment

cc: Tarrant

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DATE November 28, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Peggy Sims

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

D-829

CANDIDATE/COMMITTEE: Constitution Party
TREASURER: J.H. Manningham
ADDRESS: P.O. Box 1776
Concord, New Hampshire 03301
AFFILIATE(S): NONE

ALLEGATION(S): Possible excessive contributions from individuals pending determination of committee status
CITE: 2 U.S.C. 441a
ATTACHMENT(S) 2

DATE INITIATED: 6/4/80

MANNER IN WHICH REVIEW WAS INITIATED:
☒ Normal Review ☐ Other:
☐ Special Project:
ATTACHMENT

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM November 1, 1979 TO June 30, 1980

TOTAL RECEIPTS $ 61,612 TOTAL EXPENDITURES $ 61,505

CASH ON HAND $ 107 (as of 6/30/80) DEBTS $ 2,600 owed by committee (6/30/80)

HISTORY:

RESULTS OF REVIEW: ATTACHMENT
(Committee filed only the last page of the Statement of Organization)
RFAI sent on Statement of Organization (6/4/80) 3
Incomplete response to above-referenced RFAI (6/18/80) 4
Second letter RFAI on Statement of Organization (7/2/80) 5
Miscellaneous response to second letter RFAI (7/13/80) 6

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT
Memorandum to Files (Visit with Hawkins) (9/25/80) 7
Telecon: Stolaruk with Hawkins (11/17/80) 8

REASON(S) FOR REFERRAL: ATTACHMENT
The Committee claims to be the National Committee of the Constitution Party. Although the Committee has been requested to provide documentation of their National Committee status, they have failed to do so. Verification of their status is necessary in order to determine whether three individuals have exceeded their 441a limitations.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT
NONE

OTHER RELEVANT INFORMATION: ATTACHMENT
Copy of Advisory Opinion 1980-3 9

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
NONE

RAD Form 1
REVISED Oct. 1979

Attachment 1, page 1

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS 1979-80
8 2 0 4 0 3 2 2 6 8 3
PARTY RELATED

DATE 25NOV80
PAGE 1

| COMMITTEE | DOCUMENT | RECEIPTS | EXPENDITURES | COVERAGE DATES | # OF PAGES | MICROFILM LOCATION |
|---|---|---|---|---|---|---|
| CONSTITUTION PARTY | | | | | | ID C00117203 |
| ✓ 1979 | STATEMENT OF ORGANIZATION | | | 14DEC79 | 2 | 79FEC/142/4134 |
| ✓ | YEAR-END | 20,100 | 500 | 1NOV79 -31DEC79 | | 80FEC/190/0080 |
| 1980 | REQUEST FOR ADDITIONAL INFORMATION | | | | 2 | 80FEC/157/2679 |
| ✓ | REQUEST FOR ADDITIONAL INFORMATION | | | | 4 | 80FEC/158/4164 |
| ✓ | STATEMENT OF ORGANIZATION - AMENDMENT | | | 15JAN80 | 2 | 80FEC/144/3364 |
| ✓ | STATEMENT OF ORGANIZATION - AMENDMENT | | | 20JUN80 | 2 | 80FEC/158/1752 |
| ✓ | MISCELLANEOUS REPORT | | | 18JUL80 TO FEC | 2 | 80FEC/161/4072 |
| ✓ | APRIL QUARTERLY | 37,676 | 57,101 | 1JAN80 -31MAR80 | 7 | 80FEC/155/0470 |
| ✓ | APRIL QUARTERLY - AMENDMENT | | | 1JAN80 -31MAR80 | 2 | 80FEC/180/0200 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | 1JAN80 -31MAR80 | 1 | 80FEC/166/0074 |
| | REQUEST FOR ADDITIONAL INFORMATION 2ND | | | 1JAN80 -31MAR80 | 3 | 80FEC/169/2476 |
| ✓ | JULY QUARTERLY | 3,036 | 3,904 | 1APR80 -30JUN80 | 5 | 80FEC/162/3417 |
| | TOTAL | 61,612 0 | 61,505 0 | | 39 | TOTAL PAGES |

✓ = reports and statements reviewed

FEC 3
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 14 a

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full: The Constitution Party (National) YEAR-END REPORT

| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
|---|---|---|---|
| Mr. Rufus Shackelford<br>104 Inglis Way<br>Wauchula, Florida 33873<br>Receipt for: ☐ Primary ☒ General ☐ Other | Four Star Corp.<br>Ellenton, Florida 33532<br>Occupation: Grower<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | 11/29/79 | 20,000. |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |

SUBTOTAL of receipts this page (optional) . . . . . $

TOTAL this period (last page this line number only) . . . . . $20,000.

92030230463

Att. 1, P. 3

978
Election Commission
K Street, N.W.
Washington, D.C. 20463

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Line Number 14A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

The Constitutional Party (National) APRIL 15 QUARTERLY

| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
|---|---|---|---|
| B. D. Robinson, Jr.<br>R.F.D. 2, Box 411<br>St. Augustine, Florida-32084 | Occupation: Farmer | 1/14/80 | 1,000.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| Dorothy B. Robinson<br>R.F.D. 2, Box 411<br>St. Augustine, Florida-32084 | Occupation: Housewife | 1/14/80 | 1,000.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| Bruce A. Wilbanks<br>Box 763<br>Midland, Texas - 79701 | Occupation: Oil Business | 1/21/80 | 20,000.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| W. A. Skees<br>P. O. Box 1015<br>Midland, Texas - 79702 | Occupation: Geologist | 1/24/80 | 10,000.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| Ross E. Rowland, Jr.<br>Round Top Road<br>Bernardsville, N.J.-07924 | Occupation: | 2/11/80 | 500.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| Conrad Chapman<br>294 Front St.<br>Marion, Mass. - 02738 | Occupation: | 2/20/80 | 250.00 |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |
| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
| | Occupation: | | |
| Receipt for: ☐ Primary ☐ General ☐ Other | ☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | | |

SUBTOTAL of receipts this page (optional) . . . $

TOTAL this period (last page this line number only) . . . $

Att. 1, p. 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1980

J H. Manningham, Treasurer
Constitution Party
P.O. Box 1776
Concord, NH 03301

Identification No: C00117283

Reference: Statement of Organization

Dear Mr. Manningham:

This letter is prompted by the Commission's preliminary review of your Statement of Organization. The review raised questions as to the reporting of certain information required by the Federal Election Campaign Act. An itemization of these areas follows:

- Your committee type has not been included on your registration statement (FEC Form 1). This information assists the Commission in providing you and the public record with the most appropriate information available.

- You have not identified any affiliated or connected organizations. If there are no other committees or organizations with which you share control or financing, please indicate "None" on Line 6. If you do share control or financing with other committees or organizations, please list their names, addresses and relationships on that line.

- Reports on file at the Commission indicate that your committee represents the National Committee of the Constitution Party. Please be advised that certain criteria, as put forth in 2 U.S.C. 431(14) and 431(16), must be met in order for a committee to attain national status. Enclosed for your information is a copy of Advisory Opinion 1980-3 which addresses national committee status. If you believe that your committee has met the criteria to qualify as a national committee, please submit documentation to support your assertion.

An amendment to your original report correcting the above problems should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel

free to contact me on our toll free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk
Reports Analyst
Reports Analysis Division

8208031520847

'80 JUN 20 AM 11:55

PO Box 1788
Concord, NH 03301
June 18, 1980

Lisa Stolaruk
Reports Analyst
Reports Analysis Division
Federal Elections Commission
1325 K Street, NW
Washington, DC 20463

Dear Miss Stolaruk,

This is in response to your letter of June 4th, 1980. You indicated in that letter that a copy of Advisory Opinion 1980-3 was enclosed. However, this Opinion was not with the letter. Therefore, we are unable to ascertain our committee status in regard to this Opinion.

It is our intent to fully cooperate with every provision of the Federal Election Law. Your letter was most informative and I sincerely appreciate the fact that you have taken the time to help us correct our registration statement.

The Constitution Party has no affiliated or connected financial organizations. There are no other committees or organizations with which we share control or financing. Therefore, line six of our registration statement should read "none".

Again, thank you for your assistance and I look forward to receiving the aforementioned Advisory Opinion.

Sincerely,

Douglas R. Bourdon, JD

DRB:mf

8 2 0 8 0 3 1 5 8 1 7 5 2

Att. 1, p. 7

RQ1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1980

J H. Manningham, Treasurer
Constitution Party
P.O. Box 1776
Concord, NH 03301

Identification No: C00117283

Reference: Statement of Organization

Dear Mr. Manningham:

On June 4, 1980, you were notified that a review of your Statement of Organization raised questions as to certain requirements of the Federal Election Campaign Act.

Your June 20, 1980 response is incomplete because you have not provided all the requested information. For this response to be considered an adequate amendment, the following information is still required:

- Reports on file at the Commission indicate that your committee represents the National Committee of the Constitution Party. Please be advised that certain criteria, as put forth in 2 U.S.C. 431(14) and 431(16), must be met in order for a committee to attain national status. A copy of Advisory Opinion 1980-3 which addresses national committee status is being sent to you under separate cover. If you believe that your committee has met the criteria to qualify as a national committee, please submit documentation to support your assertion.

The information requested must be forwarded to the Commission within fifteen (15) days of this notification. If no response is received within the designated time period, the Commission may choose to initiate audit or legal enforcement action to ensure compliance with the Act.

TM 7/8
7/10/80

AH.1, p8

If you should have any questions related to this matter, please contact Lisa Stolaruk on our toll-free number (800)424-9530 or our local number (202)523-4048.

Sincerely,

Thomas J. Haselhorst
Assistant Staff Director
Reports Analysis Division

9 2 0 0 3 1 5 2 8 4 6 6 5

'80 JUL 18 PM

C00117287

PO Box 1788
Concord, NH 03301
July 13, 1980

Mr. Thomas J. Haselhorst
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Dear Mr. Haselhorst,

This is in response to your letter of July 2, 1980, to Mr. J. H. Manningham.

We are in the process of compiling the appropriate information in regard to the issue of the committee representing the National Committee of the Constitution Party. This information will be forwarded to you within seven days.

It is our intent to fully cooperate with every provision of the Federal Election Law. Your letter was most informative and I sincerely appreciate the fact that you have taken the time to help us correct our registration statement.

Sincerely,

Douglas R. Bourdon, JD

DRB:mf

92080312619 4P72

Att. 1, p 10

MEMORANDUM TO THE FILES

RE: Visit with Mr. Harvey Hawkins, member of the Constitution Party National Advisory Board.
Date: 9/25/80
RAD Representative: Lisa Stolaruk
No other FEC staff attended meeting.

Mr. Hawkins began the discussion by asking whether the Committee has yet responded to any of our Requests for Additional Information regarding the Committee's claim to represent the National Committee of the Constitution Party. He had the whole file in front of him, since he visited Public Records and had received microfilm copies of all correspondence to and from the Commission. I told Hawkins that we have not received any documentation from the Committee regarding its National Committee status. He asked why we needed that information. I said that 3 individuals had contributed over $5,000 apiece to the committee . If the committee is not the National, these contributions would be excessive. I explained to Hawkins that we are giving the committee the benefit of the doubt in this matter. Hawkins said that if the committee knew of the seriousness of our interrogation that they would be very prompt in responding, because he was certain that they would not want to return the excessive contributions. He said that the committee was in debt, and that they were trying to extinguish these debts. He wanted to know what sort of documentation the Commission needs in order to determine whether they met the criteria of a National. I told Hawkins that we would need information that would prove that the committee is responsible for the day-to-day operation of the party, and that they have Constitution Party federal candidates registered on state ballots. I told him that I could not really be more specific in this regard, but I said that this information was submitted by the Citizens Party in order that the Commission could determine whether they had met the criteria to qualify as the National. He asked whether the Constitution Party matter had been referred to OGC yet. I said that it had not, because I had just sent another RFAI regarding a $33,000 expenditure for advertising. My request asked whether any of the expenditure could be allocable to federal candidates. Hawkins said that, if he recalls correctly, that money represented payment for an ad placed in the Wall Street Journal that strictly mentioned the party only. NO specific candidates were mentioned in the text of the advertisement. Hawkins, however, stated that he would appreciate it if I were to leave his name out of any discussions that I would have with the committee, or any correspondence that the FEC would send to the Committee. This concerned me, but since Hawkins knew of the workings of the Committee, said that he was on their National Advisory panel, and was able to give me both the home and work phone numbers of the Committee officials, my concern was somewhat appeased. He also mentioned the fact that Meldrim Thompson, the Constitution Party candidate for President in New Hampshire, was or is going to contribute money to the Committee. He asked if this was permissible. I said that it was, as long as he abided by the individual contribution limitation if it came out of his own funds, or the committee contribution limitation, if it came out of his committee's account.

8204032269 2

Att. 1, p 11

DATE: 11/17/80
TIME: 9:00
COMMITTEE: Constitution Party
PERSON SPOKEN TO: Harvey Hawkins
ANALYST: Lisa Stolaruk
SUBJECT: Status of Constitution Party

---

Mr. Hawkins called this morning regarding the Constitution Party's status with the FEC, specifically whether or not the committee had responded to our request for documentation regarding their National status. I said that , to the best of my knowledge, they had not submitted any information. He said that he had read the Advisory Opinion submitted in response to the Citizens Party, and had noticed that one of the criteria for a committee to attain National status is that the committee (party) must prove that one of their candidates appeared on a state ballot as a candidate for federal office. Hawkins said that there were candidates of the Constitution Party that qualified to be placed on ballots, but that no candidates that he was aware of were actually placed on the ballots. He asked whether this would negate the committee's claim of National status. I responded that I could not make such a determination.

Mr. Hawkins then proceeded to ask me a series of questions involving the liability of the committee officials if the matter was referred to the Office of General Counsel. I responded in very general terms by saying that it is usually the treasurer who is legally accountable for the actions of the committee. He asked who would be accountable if the treasurer was to resign. I declined to answer the question directly, since I was not sure of the course of action that the Commission would take in such circumstances. He then asked at what stage the Commission would view a Committee to be inactive, because he was thinking of forming a new committee under the Constitution Party name with a different set of committee officials. He did not want to become involved in any sort of legal action which may be brought against the current committee. I told Hawkins that the Commission would officially consider a committee to be inactive on a federal basis when such committee submits an adequate statement or report of termination. Barring any such definitive statement from the committee, determination of inactivity would not lie with the Commission. It would then become an internal decision within the committee. Hawkins asked for guidance, that is, how or if he should proceed in setting up a new committee that would be separate from the current Constitution Party with regard to committee officials, yet philosophically consistent with its mandate. I told him that I could not give him any guidance that would involve internal committee procedures because I felt that it was out of my jurisdisction.

ADDENDUM: Hawkins realized that many of the questions that he asked me were of the legal nature that I was not trained to answer. He asked that someone in OGC call him. I called Johnny Levin to ask if he would talk to him. Johnny preferred not to talk to him, but suggested that I give Hawkins the option of requesting an AOR if I could not answer his questions. I passed this information on to Hawkins in a telephone conversation later that day.

Att. 1, p. 12

9204032265 93

(9)

[illegible] 11 CFR 31.3401(a)-1, the Commission concludes that solicitation by the Company or PHH-PAC of those agents is not permissible under the Act.

Commission regulations permit a separate segregated fund to accept contributions from persons otherwise permitted by law to make contributions. 11 CFR 114.5(j). Thus, while the Company may not solicit agents for contributions to PHH-PAC, PHH-PAC is permitted to accept contributions from any person, including agents of the Company, otherwise permitted by law to make contributions. While a corporation may provide that persons who contribute a certain amount to its separate segregated fund will become "members" of its separate segregated fund, "membership" in a separate segregated fund does not give the corporation or the fund any greater right of communication or solicitation than the corporation would otherwise have. 11 CFR 114.5(c). Accordingly, while the Company may designate agents who have made unsolicited contributions to PHH-PAC as "members" of PHH-PAC, the Company and PHH-PAC are nevertheless prohibited from soliciting those agents for any contributions.

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. §437f.

Dated: February 27, 1980.

[¶5463] AO 1980-3: Citizens Party as National Party

[The Executive Committee of the Citizens Party cannot qualify as a national political committee until the Party places a candidate on a ballot and qualifies as a national political party. Answer to Jeff Fenz, Chairman, Executive Committee of the Citizens Party, 1737 DeSales Street, N. W., Suite 300, Washington, D. C. 20036.]

This is in response to your letter dated January 10, 1980, requesting an advisory opinion on behalf of the Executive Committee of the Citizens Party regarding its status as "national committee" of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations.

You state that the Citizens Party is a "new" party, composed of American citizens of voting age who have united themselves in pursuit of certain stated principles. In July 1979, the Citizens Committee was established to pursue "party" status for the Citizens Party. While the Citizens Committee originally registered with the Commission as a political committee which supported more than one Federal candidate and was not a party committee, it recently filed a notice with the Commission declaring itself to be a "national committee of a political party" pursuant to 2 U.S.C. §431(14), registering under the name "Executive Committee of The Citizens Party."

In support of its assertion of "national committee" status, the Executive Committee (hereinafter "the Committee"), has submitted documentation of its activities and asks that the Commission issue a formal declaration affirming the Committee's status, under the Act, as a "national committee" of a political party.

"National committee" is defined by the Act as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level." 2 U.S.C. §431(14). In order to determine whether the Committee is eligible for treatment as a "national committee", the Commission must first determine whether the Citizens Party qualifies as a "political party" under the Act and Commission regulations.



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Att. 2, p. 1

The term "political party" is defined 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." 2 U.S.C. §431(16). Documentation submitted by the Committee indicates that the Citizens Party intends to nominate candidates for Federal office as candidates of the Citizens Party. It appears, however, that the nominating process is in early stages of planning and that no individuals have been nominated as candidates of the Party in any forthcoming or previous Federal election. Until such time as the Committee has received verification from any State election official that a Citizens Party candidate for a Federal office has satisfied ballot access requirements in that State and that the candidate's name will appear on the election ballot as the Citizens Party candidate, the Citizens Party does not qualify as a "political party" under the Act.

Documentation provided by the committee does, however, demonstrate that it is engaged in sufficient activity on the national level to qualify as the "national committee" at such time as the Citizens Party qualifies as a "political party." The Committee has established a national office which is responsible for daily coordination of Citizens Party activity as well as dissemination of party information to the public and maintenance of communication channels within the party. Further, the Citizens Party has adopted procedures to aid in the establishment of State affiliates across the country. Fifteen State committees are now in operation and have filed with the Commission. In order to determine party platform, party structure, the election of officers and its Presidential nomination, the Citizens Party has called for a national convention to be held in April 1980. As discussed previously, the Citizens Party plans to select party candidates to run for national, State and local offices and to that end, has contacted each State election office to develop a schedule of state ballot access deadlines for the benefit of its potential candidates. Finally, the Citizens Party has instituted plans to engage in voter registration and get-out-the-vote drives in each State.

Thus, assuming that the Citizens Party proceeds on a continuing basis with implementing its stated plans with regard to party-building activities, the Commission concludes that the Executive Committee of the Citizens Party would qualify as the "national committee" of a political party when the Citizens Party attains political party status under the Act; that is, when verification is obtained 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.

The future determination of national committee status for the Citizens Party is applicable only with regard to the contribution limitations of 2 U.S.C. §441a and the national party expenditure limitations under 2 U.S.C. §441a(d). Since you have not presented a specific transaction or activity relating to chapters 95 or 96 of the Internal Revenue Code of 1954, this advisory opinion does not reach any issues as to the eligibility of the Citizens Party's potential Presidential candidate(s) to receive Federal matching funds under 26 U.S.C. §§9031-9042 for use in primary elections, nor as to entitlement to general election funding under 26 U.S.C. §§9001-9012. Similarly, this opinion does not reach the issue of the entitlement of the Citizens Party to receive convention financing under 26 U.S.C. §9008.

The Commission expresses no opinion concerning possible tax ramifications in the situation described in this opinion since those issues are not within its jurisdiction.

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. §437f.

Dated: March 4, 1980.



Att. 2, p. 2

DISSENTING OPINION OF JOHN W. McGARRY

IN ADVISORY OPINION 1980-3

I dissent in this opinion because the majority grants "national committee" status to a non-existent "political party" prior to the nomination of even a single candidate and consequently prior to the existence of the requisite political party. See 2 U.S.C. §431(16). This is a classic cart before the horse situation and, in my opinion, the Commission's determination is premature.

Dated: March 4, 1980.

[A subsidiary of a federal savings and loan may engage in political activity at the state level even though the parent is prohibited from such activity. Answer to Michael Roster of McKenna & Fitting, 3435 Wilshire Boulevard, Los Angeles, California 90010.]

This responds to your letter of January 16, 1980, requesting an advisory opinion on behalf of your clients the California Savings and Loan League, Central Federal Savings and Loan Association ("Central Federal"), and Central Capital Corporation ("Central Capital") regarding application of the Federal Election Campaign Act of 1971, as amended (the "Act"), to a wholly owned subsidiary of a federally chartered association.

According to your request, Central Federal is a federally chartered association organized and operating under Federal law. Central Capital is a state-chartered corporation. It is a wholly owned subsidiary of Central Federal. You state that state-chartered corporations, including state-chartered banks and savings and loan associations, are permitted under California law to make contributions to candidates for State and local political office. You also acknowledge that pursuant to 2 U.S.C. §441b, a corporation organized by authority of any law of Congress, such as a federally chartered savings and loan association or a national bank, is prohibited from making contributions or expenditures in connection with any election for any political office, whether Federal, state, or local.

In light of 2 U.S.C. §441b you ask two questions. First, does the prohibition of 2 U.S.C. §441b regarding the inability of a federally chartered corporation, in this situation Central Federal, to make a contribution or expenditure in connection with any election for political office apply to a wholly or partially owned subsidiary of such corporation, such as Central Capital. Second, "is a holding company which controls a Federal savings and loan association subject to the prohibitions of 2 U.S.C. §441b regarding a federal corporation? Would a subsidiary of such a holding company be subject to such prohibitions?"

As previously mentioned, as a state-chartered corporation Central Capital is allowed under California law to make contributions to candidates for state and local political offices. Although 2 U.S.C. §441b prohibits a federally chartered corporation from making contributions or expenditures in connection with an election for any political office, there is no language in the statute indicating that the prohibition extends to subsidiary corporations which are not themselves federally chartered corporations.

Generally, a subsidiary corporation is considered a distinct legal entity, an entity in its own right, apart from its parent. However, where circumstances are such that one corporation is merely an agent, instrumentality, or alter ego of another corporation the notion of separate corporate existence of parent and subsidiary will not be recognized. See 18 AM. JUR. 2d Corporations §17 for a discussion of parent and subsidiary corporations.



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Att. 2, p. 3

Frank W. Shelton, Jr.
Gayleen T. Shelton

Freedom Sentry Ranch
Cherryvale, Kansas 67335
316-336-2479

81 JUL 8 P1:32

July 1, 1981

AOR 1981-30

Chairman
Federal Election Commission
1325 K Street NW
Washington, D.C. 20463

Attention: N. Bradley Litchfield
Assistant General Counsel

Dear Chairman:

I understand that I am listed as Chairman, Pro Tem, of the Constitution Party in a statement on file with the FEC; and that Mr. J. Howard Manningham is named as Treasurer.

Further, it is my understanding that the Constitution Party is currently considered by the FEC as a "political committee", not a "national committee" of a "political party" as defined in 2 U.S.C. 431(14) and 2 U.S.C. 431(16). The Constitution Party has sought national committee status, but certain criteria have not been met. It is also my understanding that the 1979 "Constitution Party" political committee, by virtue of not having "national committee" status, might have some financing problems in connection with the contribution limitations of 2 U.S.C. 441a. I am told that said "political committee" is heavily indebted.

"The Constitution Party" was conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr., former Governor of New Hampshire, for the office of President of the United States in the 1980 General Election. A number of conservatives met on several occasions during 1979 and 1980 in an effort to organize the campaign to elect Governor Thomson. "The Constitution Party" was never formally organized nor was a constitution and/or By-laws, or other party document, ever adopted.

Both the "Thomson for President" campaign committee and "The Constitution Party" were controlled and directed from the Concord, N.H. campaign office by Governor Thomson and his personally selected assistants (including his son, J. Howard Manningham and Douglas R. Gourdon). Governor Thomson also selected an "Advisory Committee", composed of myself and several other conservatives, which met twice during the campaign. Its sole function was to be "advisory" in nature. I was designated by Governor Thomson as the Chairman of "The Constitution Party" on the party's FEC statement of organization. In fact, I was Chairman in name only and was never consulted about policy or day to day decisions. On several occasions, I requested the Washington lawyer, who I was advised filed papers with your Commission, to furnish me with copies. Although such copies were promised, they were never received.

In April 1980, Governor Thomson decided to abandon his candidacy for President and subsequently he was Republican candidate for Governor of New hampshire. To the best of my knowledge, after April 1980, no further "Constitution Party" activity occurred other than attempts by the Thomsons to obtain contributions to pay off the campaign debts.

On my own initiative, I called two meetings of persons who had been active in the Thomson campaign and other interested conservatives to explore the possibilities for future political activity. Neither Governor Thomson nor his principal assistants and advisors (including J. Howard Manningham) attended these meetings, although they were invited.

In December 1980 a meeting was held in Kansas City, Mo. and was attended by a broad cross-section of conservatives from various conservative organizations, including the American Party, American Independent Party, Conservative Party, Stop ERA, Pro Life, and former Thomsonfor President supporters. Only a very few of these attendees were from the Advisory

Att. 3, p.1

Committee or principal leadership of the 1979 "Constitution Party". The attendees voted for a "Steering Committee" to explore the support for, and prepare plans for, a national convention of conservatives to formally organize a national political party - including the election of officers, and the adoption of a constitution and By-laws. A seven member steering committee was elected and authorized to call an organizing convention. That committee and others met in St. Louis, Mo. on June 20, 1981. Other subsidiary committees were appointed to make final plans for the convention to be held in Jacksonville, Florida area December 4, 5, &6, 1981.

Both the steering committee and other attendees at the Kansas City and St. Louis meetings favor the adoption of the name "The Constitution Party of the United States" for the new party. This name is favored because the word Constitution symbolized the essence of the conservative philosophy. Further, in some states the state party name may not exceed two words (as is the statutory requirement in Kansas). Then the affiliated state party would be called "Constitution Party".

The steering committee is concerned that if the name "The Constitution Party of the United States" is adopted, the FEC might rule that this new organization would be obligated for some debts of the old (1979) Constitution Party political committee - including any excess contributions which might have been received by that political committee under the direction of Governor Meldrim Thomson and J. Howard Manningham.

I am the only so-called officer ("Chairman Pro Tem") of the old 1979 "Constitution Party" who has been active in the interim meetings discussed above. Due to health, age (nearing 75), and family obligations, I have repeatedly announced that I will not accept election to an office in the new national party. However, since I have been very active and interested in patriotic political affairs since 1928, and since I will always have a deep concern for the future of this great Nation and my wonderful family, I do not rule out getting involved.

I would appreciate the Federal Election Commission examining the following questions and issuing an Advisory Opinion ruling on them:

1) If this organizing convention should adopt the name "The Constitution Party of the United States", would the new organization be liable for any excess contributions received by the old (1979) "Constitution Party"?

2) Is the 1979 "Constitution Party" entitled to continued recognition by the FEC as a "political committee" since: a- It is not currently active nor has it been active for over a year? b- It has never formally organized? c- No organizing document such as a constitution and By-laws was ever drawn or adopted?

I would appreciate efforts by the Commission to render an early Opinion and ruling, since mailings to prospective participants and finalizing convention preparations must proceed in early September. Thank you.

Respectfully yours

Frank J. Shelton, Jr.

Frank J. Shelton, Jr.

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Att. 3, p2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

J. H. Manningham, Treasurer
Constitution Party
P.O. Box 1788
Concord, New Hampshire 03301

Re: MUR 1381

Dear Mr. Manningham:

On , 1981, the Federal Election Commission determined that there is reason to believe that your committee violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by accepting excessive contributions from Rufus Shackelford, Bruce A. Wilbanks and W. A. Skees. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against your committee, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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Attachment 4, p. 1

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. 1381
STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202)523-4529

RESPONDENT Constitution Party

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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Att. 4, p.3

excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding - what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party

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Att. 4, p. 5

He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

---

1/ According to the official 1980 vote returns as published by Congressional Quarterly Inc., it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

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Att. 4, p. 6

1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

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Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(f).

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**Recommendation**

1. Find reason to believe the Constitution Party violated 2 U.S.C. § 441a(f).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Rufus Shackelford
104 Inglis Way
Wauchula, Florida 33873

Re: MUR 1381

Dear Mr. Shackelford:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by contributing $20,000 to the Constitution Party on November 29, 1979. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. 1381

STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202) 523-4529

RESPONDENT Rufus Shackelford

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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Att. 4, p. 11

excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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Att. 4, p 12

This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party.

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He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

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1/ According to the official 1980 vote returns as published by Congressional Quarterly Inc., it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

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1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

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**Recommendation**

1. Find reason to believe Rufus Shackelford violated 2 U.S.C. § 441a(a)(1)(C).

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Bruce A. Wilbanks
Box 763
Midland, Texas 79701

Re: MUR 1381

Dear Mr. Wilbanks:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), by contributing $20,000 to the Constitution Party on January 21, 1980. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this letter. Where appropriate, statements should be submitted under oath.

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

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Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE

MUR NO. 1381
STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant
(202)523-4529

RESPONDENT Bruce A. Wilbanks

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

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Att. 4, p. 19

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1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

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2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

8204032223

Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(a)(1)(C).

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914

**Recommendation**

1. Find reason to believe Bruce A. Wilbanks violated 2 U.S.C. § 441a(a)(1)(C).

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A4.4.p24B

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

W. A. Skees
P.O. Box 1015
Midland, Texas 79702

Re: MUR 1381

Dear Mr. Skees:

On , 1981, the Federal Election Commission determined that there is reason to believe that you violated 2 U.S.C. § 441a(a)(1)(C), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") by contributing $10,000 to the Constitution Party on January 24, 1980. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter within 10 days of your receipt of this matter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information which demonstrates that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a find of probable cause to believe if you so desire. See 11 C.F.R. § 111.18(d).

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

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Att. 4, p. 25

The investigation now being conducted will be confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at 202-523-4529.

Sincerely,

Enclosures
General Counsel's Factual and Legal Analysis
Procedures
Designation of Counsel Statement

8204032227 27

FEDERAL ELECTION COMMISSION

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

DATE _____

MUR NO. 1381

STAFF MEMBER(S) & TEL. NO.
Marybeth Tarrant

(202)523-4529

RESPONDENT W.A. Skees

SOURCE OF MUR: INTERNALLY GENERATED

## SUMMARY OF ALLEGATIONS

According to reports filed by the Constitution Party (the Party), it appears the Party has accepted three excessive contributions in violation of 2 U.S.C. § 441a.

## FACTUAL BASIS AND LEGAL ANALYSIS

On December 14, 1979, the Party filed an Statement of Organization with the Commission. On February 4, 1980, the Party filed a 1979 Year End Report which disclosed the receipt of a $20,000 contribution from Rufus Shackelford on November 29, 1979. On its April 15, 1980 Quarterly Report, the Party reported the receipt of two more possible

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Att. 4, p. 27

excessive contributions - $20,000 from Bruce A. Wilbanks on January 21, 1980 and $10,000 from W.A. Skees on January 24, 1980.

On June 4, 1980, RAD sent out a Request for Additional Information (RFAI) asking the Party for information regarding - what committee type it was, whether it had any affiliated organizations and/or committees, and for documentation supporting its claim that the Party is a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and (16). Later that month, a response to this RFAI was received from a Douglas R. Bourdon who stated that the Party had no connected organizations or affiliated committees. Mr. Bourdon asked for a copy of Advisory Opinion 1980-3 which had been mentioned in RAD's letter as it addressed the issue of what constitutes a national committee of a political party.

As Mr. Bourdon's response did not fully respond to the first RFAI, a second letter was sent to the Committee's treasurer, J. H. Manningham. This letter asked for documentation to show that the Party has met the criteria to qualify as a national committee of a political party. On July 18, 1980, Mr. Bourdon responded by saying that the Party was in the process of compiling the necessary information regarding national committee status and that such information would be forwarded to RAD within seven days.

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This information was never received.

On August 1, 1980, the Party filed its July 15, 1980 Quarterly Report which disclosed a cash on hand of $107 at the end of the reporting period along with a $2,600 debt. On September 24, 1980, a second RFAI was sent to the Party regarding $33,000 in expenditures reported on its April 15, 1980 Report. On September 25, 1980, a RAD analyst met with a member of the Party's Advisory Board, Harvey Hawkins. Mr. Hawkins was informed of the possible excessive contributions and was told what the Party had to do to demonstrate that it was a national committee of a political party pursuant to 2 U.S.C. §§ 431(14) and 431(16). During that meeting, Mr. Hawkins addressed himself to the second RFAI. Mr. Hawkins stated that he thought the money went for an ad that was placed in the Wall Street Journal and which only mentioned the Party, not any candidates. Consequently, the expenditure was not allocated to any candidates.

On October 17, 1980, a second letter was sent to the Party regarding its lack of a written response to the second RFAI dated September 24, 1980. Shortly thereafter, a Joseph Deoss responded by saying the money was spent on behalf of the Party, not on any federal candidates.

On November 17, 1980, Mr. Hawkins called RAD and wanted to know if the Party had responded to the question of whether it qualified as a national committee of a political party.

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He was informed it hadn't. Mr. Hawkins then stated that he thought there were candidates of the Constitution Party that had qualified to be placed on the ballots but that he was not aware of any who had actually been placed on any. 1/ Mr. Hawkins further stated that he was thinking of forming a new committee under the Constitution Party name with new officials because he did not want to get involved with any possible legal actions stemming from the old committee. Mr. Hawkins was told that the Party would have to file a Termination Report before the Commission would consider it inactive. He was also told, due to the type of questions he was asking, to ask for an Advisory Opinion.

That phone conversation was the last contact the Commission had with the Party, until July 8, 1981, when this office received an Advisory Opinion Request (AOR 1981-30) from Frank W. Shelton, Jr., chairman of the Party. According to Mr. Shelton, he was chairman in name only, and it is his understanding that the Party has sought national committee status but that certain criteria have not been met. Further, he states that the Party was never formally organized nor was a constitution and/or bylaws ever adopted. The Party was apparently conceived in 1979 as a vehicle for the candidacy of Meldrim Thomson, Jr. for the office of President of the United States in the

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1/ According to the official 1980 vote returns as published by Congressional Quarterly Inc., it appears there were two candidates, running for the House of Representatives, that were on the ballots as candidates of the Party. They were James H. Barrett from the 24th District of Illinois and Donald L. Smith from the 6th District of New Jersey.

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1980 general election. Since Governor Thomson abandoned his candidacy for President in April, 1980, it appears the Party has had no activity other than attempts by the Thomsons to pay off campaign debts. (The Party is heavily indebted).

Mr. Shelton hopes to form a new organization called "The Constitution Party of the United States" and wants to know if this new committee will be liable for any of the excess contributions the "old (1979) 'Constitution Party'" received. Additionally, he asks if the Party is still recognized by the Commission as a political committee since it has not been active for over a year.

2 U.S.C. § 431(14) defines the term "national committee" as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission." 2 U.S.C. § 431(16) defines "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."

2 U.S.C. § 441a(a)(1)(B) states that no person shall make contributions to the political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $20,000.

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Pursuant to 2 U.S.C. § 441a(a)(1)(C), no person shall make contributions to any other political committees (i.e. other than an authorized committee of a candidate or political committees established by a national political party) in any calendar year which, in the aggregate, exceed $5,000. Section 441a(f) prohibits the acceptance of such excessive contributions.

As yet, the Party has failed to provide the Commission with any documentation to show it has met any of the criteria to qualify it as a national committee of a political party. While it appears that two federal candidates appeared on ballots under the name of the Constitution Party (see footnote 1), there is no evidence that they were nominated by the Constitution Party as contemplated by 2 U.S.C. § 431(16). Nor is there any evidence that the Constitution Party had any bylaws, carried out any day-to-day operations, established a national office, formed any state affiliates, or called for a national convention. See 2 U.S.C. § 431(14); Advisory Opinion 1980-3. Absent information indicating that the Party is a national committee of a political party, the Commission can only assume that the limitation of 2 U.S.C. § 441a(a)(1)(C) applies to the Party. Therefore, the General Counsel recommends that the Commission find reason to believe that the respondent violated 2 U.S.C. § 441a(a)(1)(C).

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**Recommendation**

1. Find reason to believe W.A. Skees violated 2 U.S.C. § 441a(a)(1)(C).

8204032273 4

D-929

MEMORANDUM

November 28, 1980

TO: Charles Steele

THROUGH: B. Allen Clutter

FROM: Bill Loughrey B.L.

SUBJECT: Referral for Constitution Party

Please note that notification of possible 441a violations has not been sent to the committee per instruction from your office.

82040322735

D 929
RAD 80L-187

REFER TO INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING 2 2 0 4 0 3 2 2 7 3

# REPORTS ANALYSIS REFERRAL SHEET

Lisa Stolaruk

DATE November 28, 1980 ANALYST Lisa Stolaruk

TO: Office of General Counsel TEAM CHIEF Bobby Werfel

THROUGH: STAFF DIRECTOR COMPLIANCE REVIEW Peggy Sims

FROM: ASSISTANT STAFF DIRECTOR FOR REPORTS ANALYSIS

---

CANDIDATE/COMMITTEE: Constitution Party
TREASURER: J.H. Manningham
ADDRESS: P.O. Box 1776
Concord, New Hampshire 03301
AFFILIATE(S): NONE

ALLEGATION(S): CITE: ATTACHMENT(S) 2
Possible excessive contributions from individuals pending determination of committee status — 2 U.S.C. 441a
DATE INITIATED: 6/4/80

MANNER IN WHICH REVIEW WAS INITIATED:
☒ Normal Review ☐ Other:
☐ Special Project:

REPORTS: All reports within the dates listed below have received initial basic review. For all reports reviewed, see Attachment 1.

PERIOD COVERED FROM November 1, 1979 TO June 30, 1980

TOTAL RECEIPTS $ 61,612 TOTAL EXPENDITURES $ 61,505

CASH ON HAND $ 107 (as of 6/30/80) DEBTS $ 2,600 owed by committee (6/30/80)

HISTORY:

RESULTS OF REVIEW: ATTACHMENT
(Committee filed only the last page of the Statement of Organization)
RFAI sent on Statement of Organization (6/4/80) 3
Incomplete response to above-referenced RFAI (6/18/80) 4
Second letter RFAI on Statement of Organization (7/2/80) 5
Miscellaneous response to second letter RFAI (7/13/80) 6

COMMUNICATIONS WITH CANDIDATE/COMMITTEE: ATTACHMENT
Memorandum to Files (Visit with Hawkins) (9/25/80) 7
Telecon: Stolaruk with Hawkins (11/17/80) 8

REASON(S) FOR REFERRAL: ATTACHMENT
The Committee claims to be the National Committee of the Constitution Party. Although the Committee has been requested to provide documentation of their National Committee status, they have failed to do so. Verification of their status is necessary in order to determine whether three individuals have exceeded their 441a limitations.

OTHER PENDING ACTIONS INITIATED BY RAD: ATTACHMENT
NONE

OTHER RELEVANT INFORMATION: ATTACHMENT
Copy of Advisory Opinion 1980-3 9

PREVIOUS OGC/AUDIT REFERRALS FROM RAD:
NONE

RAD Form 1
REVISED Oct. 1979

FEDERAL ELECTION COMMISSION
COMMITTEE DEPOSITORY DOCUMENT LIST (79-80)

DATE 25NOV80
PAGE 1

PARTY RELATED

| COMMITTEE | DOCUMENT | RECEIPTS | EXPENDITURES | COVERAGE DATES | # OF PAGES | MICROFILM LOCATION |
|---|---|---|---|---|---|---|
| CONSTITUTION PARTY | | | | | | ID #C00117283 |
| ✓ 1979 | STATEMENT OF ORGANIZATION | | | 14DEC79 | 2 | 79FEC/142/4136 |
| ✓ | YEAR-END | 20,100 | 500 | 1NOV79 -31DEC79 | 7 | 80FEC/155/0080 |
| 1980 | REQUEST FOR ADDITIONAL INFORMATION | | | | 2 | 80FEC/157/2679 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | | 4 | 80FEC/158/4164 |
| ✓ | STATEMENT OF ORGANIZATION - AMENDMENT | | | 15JAN80 | 2 | 80FEC/144/3369 |
| ✓ | STATEMENT OF ORGANIZATION - AMENDMENT | | | 20JUN80 | 2 | 80FEC/158/1752 |
| ✓ | MISCELLANEOUS REPORT | | | 18JUL80 TO FEC | 2 | 80FEC/161/4072 |
| ✓ | APRIL QUARTERLY | 37,676 | 57,101 | 1JAN80 -31MAR80 | 7 | 80FEC/155/0470 |
| ✓ | APRIL QUARTERLY - AMENDMENT | - | - | 1JAN80 -31MAR80 | 2 | 80FEC/180/0200 |
| | REQUEST FOR ADDITIONAL INFORMATION | | | 1JAN80 -31MAR80 | 1 | 80FEC/166/0076 |
| | REQUEST FOR ADDITIONAL INFORMATION 2ND | | | 1JAN80 -31MAR80 | 3 | 80FEC/169/2476 |
| ✓ | JULY QUARTERLY | 3,036 | 3,904 | 1APR80 -30JUN80 | 5 | 80FEC/162/5417 |
| | TOTAL | 61,612 0 | 61,505 0 | | 39 | TOTAL PAGES |

✓ = reports and statements reviewed

FORM A
[illegible]
January, 1978
Federal Election Commission
[illegible] K Street, N.W.
Washington, D.C. 20463

# ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 (2)

Line Number 14 a

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full: The Constitution Party (National) YEAR-END REPORT

| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
|---|---|---|---|
| Mr. [redacted] Shackelford<br>[redacted]<br>Venetia, Florida 33873<br>Receipt for: ☐ Primary ☒ General ☐ Other | Four Star Corp.<br>Ellenton, Florida 33532<br>Occupation: Grower<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | 11/29/79 | 20,000. |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business<br>Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date . . . $ | Date (month, day, year) | Amount of each Receipt this Period |
| SUBTOTAL of receipts this page (optional) . . . . . | | | $ |
| TOTAL this period (last page this line number only) . . . . . | | | $20,000. |

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978
Election Commission
K Street, N.W.
ashington, D.C. 20463

# ITEMIZED RECEIPTS

(Contributions, Transfers, Contribution In-Kind, Other Income, Loans, Refunds)

Supporting Lines 14a, 15a, 15b, 15c, 16a, 17a, and/or 18a of FEC FORM 3

Page 1 of 1 for
Line Number 14A

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full
The Constitutional Party (National) APRIL 15 QUARTERLY

| Full Name, Mailing Address and ZIP Code | Principal Place of Business / Occupation | Date (month, day, year) | Amount of each Receipt this Period |
|---|---|---|---|
| B. D. Robinson, Jr.<br>R.F.D. 2, Box 411<br>St. Augustine, Florida-32084<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation: Farmer<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 1/14/80 | 1,000.00 |
| Dorothy B. Robinson<br>R.F.D. 2, Box 411<br>St. Augustine, Florida-32084<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation: Housewife<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 1/14/80 | 1,000.00 |
| Bruce A. Wilbanks<br>Box 763<br>Midland, Texas - 79701<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation: Oil Business<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 1/21/80 | 20,000.00 |
| W. A. Skees<br>P. O. Box 1015<br>Midland, Texas - 79702<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation: Geologist<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 1/24/80 | 10,000.00 |
| Ross E. Rowland, Jr.<br>Round Top Road<br>Bernardsville, N.J.-07924<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation:<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 2/11/80 | 500.00 |
| Conrad Chapman<br>294 Front St.<br>Marion, Mass. - 02738<br>Receipt for: ☐ Primary ☐ General ☐ Other | Occupation:<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | 2/20/80 | 250.00 |
| Full Name, Mailing Address and ZIP Code<br>Receipt for: ☐ Primary ☐ General ☐ Other | Principal Place of Business / Occupation<br>☐ Check if Contributor is self-employed<br>Aggregate Year-To-Date ... $ | Date (month, day, year) | Amount of each Receipt this Period |

SUBTOTAL of receipts this page (optional) ..... $
TOTAL this period (last page this line number only) ..... $

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1980

J H. Manningham, Treasurer
Constitution Party
P.O. Box 1776
Concord, NH 03301

Identification No: C00117283

Reference: Statement of Organization

Dear Mr. Manningham:

This letter is prompted by the Commission's preliminary review of your Statement of Organization. The review raised questions as to the reporting of certain information required by the Federal Election Campaign Act. An itemization of these areas follows:

- Your committee type has not been included on your registration statement (FEC Form 1). This information assists the Commission in providing you and the public record with the most appropriate information available.

- You have not identified any affiliated or connected organizations. If there are no other committees or organizations with which you share control or financing, please indicate "None" on Line 6. If you do share control or financing with other committees or organizations, please list their names, addresses and relationships on that line.

- Reports on file at the Commission indicate that your committee represents the National Committee of the Constitution Party. Please be advised that certain criteria, as put forth in 2 U.S.C. 431(14) and 431(16), must be met in order for a committee to attain national status. Enclosed for your information is a copy of Advisory Opinion 1980-3 which addresses national committee status. If you believe that your committee has met the criteria to qualify as a national committee, please submit documentation to support your assertion.

An amendment to your original report correcting the above problems should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel

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free to contact me on our toll free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Lisa Stolaruk
Reports Analyst
Reports Analysis Division

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RECEIVED
'80 JUN 20 AM 11:55

(4)

PO Box 1788
Concord, NH 03301
June 18, 1980

Lisa Stolaruk
Reports Analyst
Reports Analysis Division
Federal Elections Commission
1325 K Street, NW
Washington, DC 20463

80040315825174522

Dear Miss Stolaruk,

This is in response to your letter of June 4th, 1980. You indicated in that letter that a copy of Advisory Opinion 1980-3 was enclosed. However, this Opinion was not with the letter. Therefore, we are unable to ascertain our committee status in regard to this Opinion.

It is our intent to fully cooperate with every provision of the Federal Election Law. Your letter was most informative and I sincerely appreciate the fact that you have taken the time to help us correct our registration statement.

The Constitution Party has no affiliated or connected financial organizations. There are no other committees or organizations with which we share control or financing. Therefore, line six of our registration statement should read "none".

Again, thank you for your assistance and I look forward to receiving the aforementioned Advisory Opinion.

Sincerely,

Douglas R. Bourdon, JD

DRB:mf

RQ1

(5)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 1980

J H. Manningham, Treasurer
Constitution Party
P.O. Box 1776
Concord, NH 03301

Identification No: C00117283

Reference: Statement of Organization

Dear Mr. Manningham:

On June 4, 1980, you were notified that a review of your Statement of Organization raised questions as to certain requirements of the Federal Election Campaign Act.

Your June 20, 1980 response is incomplete because you have not provided all the requested information. For this response to be considered an adequate amendment, the following information is still required:

- Reports on file at the Commission indicate that your committee represents the National Committee of the Constitution Party. Please be advised that certain criteria, as put forth in 2 U.S.C. 431(14) and 431(16), must be met in order for a committee to attain national status. A copy of Advisory Opinion 1980-3 which addresses national committee status is being sent to you under separate cover. If you believe that your committee has met the criteria to qualify as a national committee, please submit documentation to support your assertion.

The information requested must be forwarded to the Commission within fifteen (15) days of this notification. If no response is received within the designated time period, the Commission may choose to initiate audit or legal enforcement action to ensure compliance with the Act.

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TM 7/8
7/10/80

If you should have any questions related to this matter, please contact Lisa Stolaruk on our toll-free number (800)424-9530 or our local number (202)523-4048.

Sincerely,

Thomas J. Haselhorst
Assistant Staff Director
Reports Analysis Division

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RECEIVE

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(6)

C00117287

PO Box 1788
Concord, NH 03301
July 13, 1980

Mr. Thomas J. Haselhorst
Assistant Staff Director
Reports Analysis Division
Federal Election Commission
Washington, DC 20463

Dear Mr. Haselhorst,

This is in response to your letter of July 2, 1980, to Mr. J. H. Manningham.

We are in the process of compiling the appropriate information in regard to the issue of the committee representing the National Committee of the Constitution Party. This information will be forwarded to you within seven days.

It is our intent to fully cooperate with every provision of the Federal Election Law. Your letter was most informative and I sincerely appreciate the fact that you have taken the time to help us correct our registration statement.

Sincerely,

Douglas R. Bourdon, JD

DRB:mf

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(7)

MEMORANDUM TO THE FILES

RE: Visit with Mr. Harvey Hawkins, member of the Constitution Party National Advisory Board.
Date: 9/25/80
RAD Representative: Lisa Stolaruk
No other FEC staff attended meeting.

Mr. Hawkins began the discussion by asking whether the Committee has yet responded to any of our Requests for Additional Information regarding the Committee's claim to represent the National Committee of the Constitution Party. He had the whole file in front of him, since he visited Public Records and had received microfilm copies of all correspondence to and from the Commission. I told Hawkins that we have not received any documentation from the Committee regarding its National Committee status. He asked why we needed that information. I said that 3 individuals had contributed over $5,000 apiece to the committee . If the committee is not the National, these contributions would be excessive. I explained to Hawkins that we are giving the committee the benefit of the doubt in this matter. Hawkins said that if the committee knew of the seriousness of our interrogation that they would be very prompt in responding, because he was certain that they would not want to return the excessive contributions. He said that the committee was in debt, and that they were trying to extinguish these debts. He wanted to know what sort of documentation the Commission needs in order to determine whether they met the criteria of a National. I told Hawkins that we would need information that would prove that the committee is responsible for the day-to-day operation of the party, and that they have Constitution Party federal candidates registered on state ballots. I told him that I could not really be more specific in this regard, but I said that this information was submitted by the Citizens Party in order that the Commission could determine whether they had met the criteria to qualify as the National. He asked whether the Constitution Party matter had been referred to OGC yet. I said that it had not, because I had just sent another RFAI regarding a $33,000 expenditure for advertising. My request asked whether any of the expenditure could be allocable to federal candidates. Hawkins said that, if he recalls correctly, that money represented payment for an ad placed in the Wall Street Journal that strictly mentioned the party only. NO specific candidates were mentioned in the text of the advertisement. Hawkins, however, stated that he would appreciate it if I were to leave his name out of any discussions that I would have with the committee, or any correspondence that the FEC would send to the Committee. This concerned me, but since Hawkins knew of the workings of the Committee, said that he was on their National Advisory panel, and was able to give me both the home and work phone numbers of the Committee officials, my concern was somewhat appeased. He also mentioned the fact that Meldrim Thompson, the Constitution Party candidate for President in New Hampshire, was or is going to contribute money to the Committee. He asked if this was permissible. I said that it was, as long as he abided by the individual contribution limitation if it came out of his own funds, or the committee contribution limitation, if it came out of his committee's account.

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TELECON

DATE: 11/17/80

TIME: 9:00

COMMITTEE: Constitutuion Party

PERSON SPOKEN TO: Harvey Hawkins

ANALYST: Lisa Stolaruk

SUBJECT: Status of Constitution Party

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Mr. Hawkins called this morning regarding the Constitution Party's status with the FEC, specifically whether or not the committee had responded to our request for documentation regarding their National status. I said that , to the best of my knowledge, they had not submitted any information. He said that he had read the Advisory Opinion submitted in response to the Citizens Party, and had noticed that one of the criteria for a committee to attain National status is that the committee (party) must prove that one of their candidates appeared on a state ballot as a candidate for federal office. Hawkins said that there were candidates of the Constitution Party that qualified to be placed on ballots, but that no candidates that he was aware of were actually placed on the ballots. He asked whether this would negate the committee's claim of National status. I responded that I could not make such a determination.

Mr. Hawkins then proceeded to ask me a series of questions involving the liability of the committee officials if the matter was referred to the Office of General Counsel. I responded in very general terms by saying that it is usually the treasurer who is legally accountable for the actions of the committee. He asked who would be accountable if the treasurer was to resign. I declined to answer the question directly, since I was not sure of the course of action that the Commission would take in such circumstances. He then asked at what stage the Commission would view a Committee to be inactive, because he was thinking of forming a new committee under the Constitution Party name with a different set of committee officials. He did not want to become involved in any sort of legal action which may be brought against the current committee. I told Hawkins that the Commission would officially consider a committee to be inactive on a federal basis when such committee submits an adequate statement or report of termination. Barring any such definitive statement from the committee, determination of inactivity would not lie with the Commission. It would then become an internal decision within the committee. Hawkins asked for guidance, that is, how or if he should proceed in setting up a new committee that would be separate from the current Constitution Party with regard to committee officials, yet philosophically consistent with its mandate. I told him that I could not give him any guidance that would involve internal committee procedures because I felt that it was out of my jurisdisction.

ADDENDUM: Hawkins realized that many of the questions that he asked me were of the legal nature that I was not trained to answer. He asked that someone in OGC call him. I called Johnny Levin to ask if he would talk to him. Johnny preferred not to talk to him, but suggested that I give Hawkins the option of requesting an AOR if I could not answer his questions. I passed this information on to Hawkins in a telephone conversation later that day.

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(9)

agents that the company wishes to solicit are not employees within the meaning of 26 CFR 31.3401(c)-1, the Commission concludes that solicitation by the Company or PHH-PAC of those agents is not permissible under the Act.

Commission regulations permit a separate segregated fund to accept contributions from persons otherwise permitted by law to make contributions. 11 CFR 114.5(j). Thus, while the Company may not solicit agents for contributions to PHH-PAC, PHH-PAC is permitted to accept contributions from any person, including agents of the Company, otherwise permitted by law to make contributions. While a corporation may provide that persons who contribute a certain amount to its separate segregated fund will become "members" of its separate segregated fund, "membership" in a separate segregated fund does not give the corporation or the fund any greater right of communication or solicitation than the corporation would otherwise have. 11 CFR 114.5(c). Accordingly, while the Company may designate agents who have made unsolicited contributions to PHH-PAC as "members" of PHH-PAC, the Company and PHH-PAC are nevertheless prohibited from soliciting those agents for any contributions.

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. §437f.

Dated: February 15, 1980.

[¶5463] AO 1980-3: Citizens Party as National Party

[The Executive Committee of the Citizens Party cannot qualify as a national political committee until the Party places a candidate on a ballot and qualifies as a national political party. Answer to Jeff Fenn, Chairman, Executive Committee of the Citizens Party, 1737 DeSales Street, N. W., Suite 300, Washington, D. C. 20036.]

This is in response to your letter dated January 10, 1980, requesting an advisory opinion on behalf of the Executive Committee of the Citizens Party regarding its status as "national committee" of a political party under the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations.

You state that the Citizens Party is a "new" party, composed of American citizens of voting age who have united themselves in pursuit of certain stated principles. In July 1979, the Citizens Committee was established to pursue "party" status for the Citizens Party. While the Citizens Committee originally registered with the Commission as a political committee which supported more than one Federal candidate and was not a party committee, it recently filed a notice with the Commission declaring itself to be a "national committee of a political party" pursuant to 2 U.S.C. §431(14), registering under the name "Executive Committee of The Citizens Party."

In support of its assertion of "national committee" status, the Executive Committee (hereinafter "the Committee"), has submitted documentation of its activities and asks that the Commission issue a formal declaration affirming the Committee's status, under the Act, as a "national committee" of a political party.

"National committee" is defined by the Act as "the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level." 2 U.S.C. §431(14). In order to determine whether the Committee is eligible for treatment as a "national committee", the Commission must first determine whether the Citizens Party qualifies as a "political party" under the Act and Commission regulations.



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The term "political party" is defined 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." 2 U.S.C. §431(16). Documentation submitted by the Committee indicates that the Citizens Party intends to nominate candidates for Federal office as candidates of the Citizens Party. It appears, however, that the nominating process is in early stages of planning and that no individuals have been nominated as candidates of the Party in any forthcoming or previous Federal election. Until such time as the Committee has received verification from any State election official that a Citizens Party candidate for a Federal office has satisfied ballot access requirements in that State and that the candidate's name will appear on the election ballot as the Citizens Party candidate, the Citizens Party does not qualify as a "political party" under the Act.

Documentation provided by the committee does, however, demonstrate that it is engaged in sufficient activity on the national level to qualify as the "national committee" at such time as the Citizens Party qualifies as a "political party." The Committee has established a national office which is responsible for daily coordination of Citizens Party activity as well as dissemination of party information to the public and maintenance of communication channels within the party. Further, the Citizens Party has adopted procedures to aid in the establishment of State affiliates across the country. Fifteen State committees are now in operation and have filed with the Commission. In order to determine party platform, party structure, the election of officers and its Presidential nomination, the Citizens Party has called for a national convention to be held in April 1980. As discussed previously, the Citizens Party plans to select party candidates to run for national, State and local offices and to that end, has contacted each State election office to develop a schedule of state ballot access deadlines for the benefit of its potential candidates. Finally, the Citizens Party has instituted plans to engage in voter registration and get-out-the-vote drives in each State.

Thus, assuming that the Citizens Party proceeds on a continuing basis with implementing its stated plans with regard to party-building activities, the Commission concludes that the Executive Committee of the Citizens Party would qualify as the "national committee" of a political party when the Citizens Party attains political party status under the Act; that is, when verification is obtained 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.

The future determination of national committee status for the Citizens Party is applicable only with regard to the contribution limitations of 2 U.S.C. §441a and the national party expenditure limitations under 2 U.S.C. §441a(d). Since you have not presented a specific transaction or activity relat g to chapters 95 or 96 of the Internal Revenue Code of 1954, this advisor opinion does not reach any issues as to the eligibility of the Citizens Party's potential Presidential candidate(s) to receive Federal matching funds under 26 U.S.C. §§9031-9042 for use in primary elections, nor as to entitlement to general election funding under 26 U.S.C. §§9001-9012. Similarly, this opinion does not reach the issue of the entitlement of the Citizens Party to receive convention financing under 26 U.S.C. §9008.

The Commission expresses no opinion concerning possible tax ramifications in the situation described in this opinion since those issues are not within its jurisdiction.

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. §437f.

Dated: March 4, 1980.

DISSENTING OPINION OF JOHN W. McGARRY

IN ADVISORY OPINION 1980-3

I dissent in this opinion because the majority grants "national committee" status to a non-existent "political party" prior to the nomination of even a single candidate and consequently prior to the existence of the requisite political party. See 2 U.S.C. §431(16). This is a classic cart before the horse situation and, in my opinion, the Commission's determination is premature.

Dated: March 4, 1980.

[¶5464] AO 1980-7: Political Activity by Corporate Subsidiary

[A subsidiary of a federal savings and loan may engage in political activity at the state level even though the parent is prohibited from such activity. Answer to Michael Hooter of McKenna & Pitting, 3435 Wilshire Boulevard, Los Angeles, California 90010.]

This responds to your letter of January 16, 1980, requesting an advisory opinion on behalf of your clients the California Savings and Loan League, Central Federal Savings and Loan Association ("Central Federal"), and Central Capital Corporation ("Central Capital") regarding application of the Federal Election Campaign Act of 1971, as amended (the "Act"), to a wholly owned subsidiary of a federally chartered association.

According to your request, Central Federal is a federally chartered association organized and operating under Federal law. Central Capital is a state-chartered corporation. It is a wholly owned subsidiary of Central Federal. You state that state-chartered corporations, including state-chartered banks and savings and loan associations, are permitted under California law to make contributions to candidates for State and local political office. You also acknowledge that pursuant to 2 U.S.C. §441b, a corporation organized by authority of any law of Congress, such as a federally chartered savings and loan association or a national bank, is prohibited from making contributions or expenditures in connection with any election for any political office, whether Federal, state, or local.

In light of 2 U.S.C. §441b you ask two questions. First, does the prohibition of 2 U.S.C. §441b regarding the inability of a federally chartered corporation, in this situation Central Federal, to make a contribution or expenditure in connection with any election for political office apply to a wholly or partially owned subsidiary of such corporation, such as Central Capital. Second, "is a holding company which controls a Federal savings and loan association subject to the prohibitions of 2 U.S.C. §441b regarding a federal corporation? Would a subsidiary of such a holding company be subject to such prohibitions?"

As previously mentioned, as a state-chartered corporation Central Capital is allowed under California law to make contributions to candidates for state and local political office. Although 2 U.S.C. §441b prohibits a federally chartered corporation from making contributions or expenditures in connection with an election for any political office, there is no language in the statute indicating that the prohibition extends to subsidiary corporations which are not themselves federally chartered corporations.

Generally, a subsidiary corporation is considered a distinct legal entity, an entity in its own right, apart from its parent. However, where circumstances are such that one corporation is merely an agent, instrumentality, or alter ego of another corporation the notion of separate corporate existence of parent and subsidiary will not be recognized. See 18 AM. JUR. 2d Corporations §17 for a discussion of parent and subsidiary corporations.



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FEDERAL ELECTION COMMISSION

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