

FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

September 24, 1975

Mr. Laurence I. Radway
Democratic State Chairman
22 Occom Ridge
Hanover, New Hampshire 03755

Dear Mr. Radway:

In keeping with our interim complaint procedure guideline (Notice 1975-9), letters were sent to you on August 11, 1975 and August 22, 1975 requesting a notarized statement setting out your allegations of apparent violations of the Federal Election Campaign Laws.

Thirty days having expired since those letters were sent, the Commission presently will take no further action concerning the matters raised in your mailgram dated August 1, 1975 and your letter dated August 2, 1975. However, the matters will be reserved for future review as appropriate during the Commission's regular audit program.

Sincerely,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

August 22, 1975

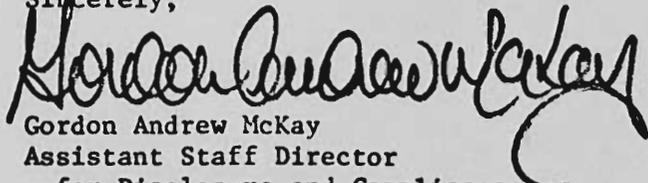
Mr. Laurence I. Radway
 Democratic State Chairman
 22 Occom Ridge
 Hanover, New Hampshire 03755

Dear Mr. Radway:

This is in response to your letter of August 2, 1975, requesting an advisory opinion on "whether the provision of certain facilities (e.g. office space, furniture, heat, light) by the General Services Administration, to a private citizen engaged in a contest for Federal office, constitutes a reportable contribution under Federal law". Under the express terms of 2 U.S.C. 437f, your inquiry is not appropriate for consideration as a request for an advisory opinion.

However, should you wish to file a formal complaint concerning this matter, I refer you to our letter signed by Mr. Peter Roman and dated August 11, 1975 which advised you of the procedures for filing a complaint under the provisions of the Federal Election Campaign Act, as amended. Please also be advised that the Commission had previously taken note of the matter to which you make reference.

Sincerely,


 Gordon Andrew McKay
 Assistant Staff Director
 for Disclosure and Compliance

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RECEIVED
FEDERAL ELECTION
COMMISSION

Democratic State Committee

Carpenter Hotel, Suite 700 • Manchester, N. H. 03101 • 603-666-2048
Chairman • LARRY RADWAY

August 2, 1975

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Mr. Thomas B. Curtis
Chairman, Federal Elections Commission
1325 K. St., N. W.
Washington, D. C. 20463

Dear Mr. Curtis:

On or about Tuesday, August 5, 1975, I understand that the Federal Elections Commission will deliver an advisory opinion requested on June 24, 1975, as to whether the provision of certain services (e.g. preparation of a newsletter) by the Senate or House campaign committees, for incumbent officeholders, constitutes a reportable contribution or expenditure under Federal law.

Having learned that this matter is in process, I respectfully request an advisory opinion on an analogous although different question: whether the provision of certain facilities (e.g. office space, furniture, heat, light) by the General Services Administration, to a private citizen engaged in a contest for Federal office, constitutes a reportable contribution under Federal law.

The facilities in question are on the 2d floor of the Federal Building, Hanover St., Manchester, New Hampshire. They were occupied by Congressman Louis C. Wyman for several years. He continued to occupy them for a few days in late December and early January when, by appointment, he filled out the unexpired term of Senator Norris Cotton. He was then permitted to retain them by GSA from early January through July 1975, when he notified GSA that he wished to release them. See enclosed news story.

You will appreciate that a speedy response is essential since the Durkin-Wyman election is set for September 16, 1975.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Sincerely yours,
Laurence I. Radway
Laurence I. Radway

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Wyman * Yields Office

CONCORD, N.H. (UPI) — Republican Louis Wyman Friday relinquished free office space provided by the General Services Administration, erasing a potential campaign liability in the rerun U.S. Senate election.

And the former five-term congressman inaugurated a campaign theme likely to be repeated until election day 46 days away. The fiscal conservative charged the Democrat-controlled Senate spent "more than \$7 million" before sending history's closest Senate back to the voters to decide.

Wyman defended use of government-paid office space in the Manchester federal building during the past seven months, saying volunteers from his congressional staff stayed on to solve "several hundred" constituent problems.

"I offer no apologies for using space which had been assigned to me for several years," said Wyman. The offices were used in a "continuing effort on behalf of New Hampshire citizens who needed help in Washington."

The office space, said Wyman, 58, would be turned over to Rep. Norman D'Ammours, D-N.H., elected from the district Wyman served for a decade before he campaigned for Senate last fall.

Following a taped television interview in which he criticized the multi-million-dollar cost of the Senate election runoff, the well-known former state general headed into the runoff largely Republican North Country. He planned to campaign at the North Haverhill Fair near the headwaters of the Connecticut River.

Wyman's early emphasis on small Republican towns across the northern part of the state appeared an effort to avoid the low turnout in those GOP strongholds that crippled his hopes last fall of moving easily from his secure House seat of a decade to the Senate.

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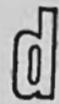
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democratic state committee

carport 7 motor hotel, suite 700 • Manchester, N. H. 03101

COLLECTION
COMMISSION



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The Honorable Thomas B. Curtis
Chairman, Federal Elections Commission
1325 K Street, N. W.
Washington, D. C. 20463



Wyman-Durkin Race Is Even, a Poll Finds

MANCHESTER, N.H., Aug. 18 (AP)—A survey by The New Hampshire Sunday News indicates that Louis C. Wyman, Republican, and John A. Durkin, Democrat, are running neck-and-neck in their Senate campaign in New Hampshire, with almost one-quarter of those surveyed undecided.

The newspaper reported yesterday that 30 reporters interviewed more than 6,000 New Hampshire residents throughout the state last week.

The paper said 1,460 persons, or 24.2 per cent of those polled, said they were undecided about whom they favored in the Sept. 16 special election.

Mr. Wyman was supported by 2,231 persons, or 37 per cent of those polled, while Mr. Durkin was supported by 2,143, or 35.6 per cent of those polled.

Wyman's Office—The General Services Administration has given favored treatment to Louis C. Wyman, the Republican candidate, in the disputed New Hampshire Senate election.

The photo-finish campaign between Wyman and Democrat John A. Durkin has been sent back to the state for a Sept. 16 election.

But while the two candidates were in Washington, fighting it out in the Senate, Wyman was operating two federal offices back home—in Portsmouth and in Manchester. Durkin was given no equivalent space.

The GSA provided Wyman with \$12,365.84 worth of office space and \$3,857 worth of furnishings. A GSA spokesman told us the space was vacated Aug. 7. It was merely a coincidence, he said, that this happened to be the day after our first inquiry.

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NY 8/18/73
Jack Anderson 8/19/73

Washington Post 8/19/73

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Election Panel Begins Campaign Fund Audit

By Stan Crock

Washington Post Staff Writer

The Federal Election Commission yesterday started to take care of one of its most important jobs—determining which presidential candidates are eligible for federal campaign funds and how much they should get.

Three FEC auditors in Atlanta began sifting through the records of the more than 10,000 campaign contributions received by former Gov. Jimmy Carter of Georgia and three others are scheduled to begin a similar task today at the Austin offices of a second Democrat, Sen. Lloyd M. Bentsen of Texas.

The auditors' 10-week tour of 10 campaign committees—they will visit the committees of all candidates who have reported substantial contributions and expenditures to the FEC—is aimed at finding out what kinds of auditing and accounting problems may arise.

"It's a brand new business," said Peter F. Roman, head of the FEC's audit and investigation unit.

The FEC was set up to oversee federal election campaigns and the disbursement of matching federal funds. Presidential candidates are eligible for funds equal to the total of individual contributions they have received in amounts of \$250 or less if they have raised at least \$5,000 in each of 20 states. The maximum candidates can receive in matching funds for primaries is \$5 million.

Six candidates have announced that they have met this requirement, but the auditors will be visiting others as well so that there won't be a crush of work around next Jan. 1—the date when the FEC can authorize disbursement of federal money.

One potential problem will be debated this week.

The FEC is slated to discuss again today whether the total for determining eligibility to receive federal funds should include deductions for money spent raising the contributions—a net system—or whether expenses should be disregarded.

Most candidates are opposed to the net system and the FEC legal staff has said Congress did not want such a system when the law was passed. The candidates appeared to be holding their breath as they await a decision, rather than lobbying for their interpretation.

In addition to making it more difficult to become eligible for federal funds (more money would have to be raised to offset the deductions for expenditures), the net system would complicate accounting and auditing processes.

Several campaign spokesmen yesterday questioned how much of the cost of a trip during which a candidate made some speeches, did some politicking and raised some money should be attributed to fund-raising.

Potential auditing problems are a major reason behind the

trips to the committees of Carter, Bentsen, Rep. Morris K. Udall (D-Ariz.), Sen. Henry M. Jackson (D-Wash.), President Ford and two committees supporting Democratic Gov. George C. Wallace of Alabama. All have announced they are eligible for federal matching funds.

The auditors also will look at the committee records of former Sen. Fred R. Harris, an Oklahoma Democrat, former Gov. Terry Sanford of North Carolina, also a Democrat and former Sen. Eugene J. McCarthy, an independent.

Just how complicated and time consuming the auditing process will be could have significant impact on the primary campaigns, campaign spokesmen agree.

"We are concerned about how fast that (Federal) money is going to be available," Carter's spokesman, Jody Powell, said yesterday.

The "No. 1 fact of life" when primary season rolls around, he said, is "cash flow." Seven days, 10 days, two weeks "are an eternity," he said.

The commission wants to cut down the disbursement time as much as possible, Roman said. The current audit will determine whether the staff will be able to examine a copy of every contribution (as of yesterday, the committees had to photocopy every written contribution under an FEC interim guideline) or whether it will merely sample them and figure out how much money the candidate should get based on the sample, Roman said.

Now, he said, no one knows how long the process will take.

After the initial determination of eligibility and the disbursement of matching funds for money raised during 1975, funds will be handed out to match money raised during 1976. The schedule for those disbursements has not been developed yet.

Timing there will be important, too, and "has a huge impact on our political decisions," said Dick Kline, finance coordinator for Jackson.

Election Law Challenge Headed for High Court

United Press International

Sen. James L. Buckley (Cons. R-N.Y.) and former Sen. Eugene J. McCarthy will ask the Supreme Court to rule the 1974 campaign reform law unconstitutional, McCarthy said yesterday.

The U.S. Court of Appeals upheld the constitutionality of the law Friday, rejecting a suit brought by McCarthy, Buckley and others.

The appeals court denied all but one of the 28 points of the suit. It ruled that Congress may provide public funding for presidential elections and regulate campaign contributions and spending, as in the 1974 law.

McCarthy, now an independent candidate for President, ran for the Democratic presidential nomination in 1968. He said the law discriminates

against independent candidates by limiting public money to major party candidates.

"This comes at a time when a majority of American citizens identify themselves as independents, and the Republican Party by its own poll says it has only 18 per cent of the registered voters," McCarthy said.

Spending limits favor incumbents, he said, eliminating the basic means of deposing them. "Historically, the way a challenger overcomes an incumbent is to outpace him."

McCarthy said briefs on behalf of Buckley, himself and others would be filed with the Supreme Court within a month.

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A challenge to the campaign law of 1974 limiting spending and providing for public financing of some candidacies will be carried to the Supreme Court, former Sen. Eugene McCarthy said. A federal appeals court upheld all major portions of the law last Friday.

Ford helped raise funds for Iowa Republicans and then flew to Minneapolis to continue a political trip financed by the GOP National Committee. Earlier, the President toured an oil-shale operation in Rifle, Colo., to emphasize his administration's commitment to finding alternative energy supplies.

wall st. journal
8/19/73

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(POLITICS)

MANCHESTER, N.H. (UPI) -- A BROADCAST BLITZ BY REPUBLICAN LOUIS WYMAN HAS, FOR THE FIRST TIME IN THE RERUN U.S. SENATE CAMPAIGN, FORCED DEMOCRAT JOHN DURKIN ON THE DEFENSIVE.

THE WYMAN BROADCASTS SAID DURKIN "EXPLOITED" A LOOP-HOLE IN FEDERAL CAMPAIGN LAWS TO AVOID DISCLOSING CONTRIBUTORS AT FIVE FUNDRAISING EVENTS. "MORE THAN \$15,000 WAS RAISED AT THESE FUNDRAISERS," ONE ADVERTISEMENT SAID, "AND NOT ONE SINGLE NAME FROM A SINGLE DONOR HAS BEEN REPORTED BY DURKIN."

DURKIN'S REPRESENTATIVES SAID TUESDAY THE ADVERTISEMENTS ARE "INVALID" AND "FALSE" AND MUST STOP. MEMBERS OF DURKIN'S CAMPAIGN TRIED, APPARENTLY WITHOUT SUCCESS, TO FORCE NEW HAMPSHIRE'S 30 RADIO STATIONS INTO WITHDRAWING WYMAN'S CAMPAIGN ADVERTISING.

DURKIN, WHO PREVIOUSLY HAS CRITICIZED WYMAN'S RECORD IN THE HOUSE OF REPRESENTATIVES, CALLED A NEWS CONFERENCE FOR TUESDAY.

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Subsequent to the above mentioned
 conversation, Mr. Reed Martin, General
 Counsel to the House for President Committee,
 gave Mr. Vance ~~the~~ an assurance that future
 House literature would comply w/ Fed
 election law. The Commission requested
^{written} ~~written~~ confirmation ~~of this~~ that in
 fact the omission of the ^{required} ~~required~~ language
 was due solely to inadvertence and
 that they have been taken to insure
~~compliance with the~~ ^{act} ~~act~~ that ^{will} ~~will~~ comply with the requirements
 of the election law.