

League of Women Voters
Educational Fund
1730 M Street, N.W.
Washington, D.C. 20036

15 OCT 1976

Re: MUR 241 (76)

Dear Sirs:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to the complainants, Tom Anderson et al, the Commission believes that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission does not intend to investigate the matter any further.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

Enclosure

BVandergrift:pjg:10/1/76
MUR file 241

OFFICIAL FILE COPY
OFFICE OF THE GENERAL COUNSEL

77040023561

15 OCT 1976

Mr. Tom Anderson
Route 2
Gatlinburg, Tennessee

Re: MUR 241 (76)

Dear Mr. Anderson:

77040023562
This is to acknowledge receipt of your complaint, dated September 23, 1976, alleging that the League of Women Voters Educational Fund (LOWVEF) has made illegal contributions within the meaning of the Federal Election Campaign Act of 1971, as amended, in spending money to sponsor debates between President Gerald R. Ford and James E. Carter and between Senator Walter Mondale and Senator Robert Dole. You set forth no facts supporting your conclusion, alleging only that such disbursements are illegal contributions because they "necessarily have the force and effect of enhancing the chances for election of the participants to the detriment of all other legally qualified candidates." Your complaint accordingly rests on the theory that any disbursement by non-partisan educational organizations through a charitable trust fund to sponsor joint appearances by presidential candidates for any purpose necessarily constitutes a contribution within the relevant sections of FECA.

As you are aware, the Commission in its Debates Policy Statement stated its conclusion that, in general, disbursements made by an organization such as the LOWVEF to sponsor such joint appearances are not made for the purpose of influencing a Federal Election within the meaning of 2 U.S.C. §431(e). Inasmuch as you proffer no facts which would support the conclusion that the LOWVEF's decision to sponsor the debates was motivated by considerations other than the non-partisan objectives dictated by its charter and established by its history, the Commission has concluded that your complaint does not establish any reason to believe that the LOWVEF has violated FECA, as amended.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

BVandergrift:pjg:9/30/76
MUR file 241

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Carter, Mondale, Ford, Dole and) MUR 241 (76)
the League of Women Voters)
Educational Fund)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 14, 1976, the Commission adopted the recommendation of the General Counsel that it finds no reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Accordingly, the file in this case has been closed.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
RECEIVED
OCT 15 1976
GENERAL COUNSEL

7704001561

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 241 (76)

REC'D: _____

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: The American Party, Tom Anderson and Rufus Shackelford

(Notarized Complaint)

Respondent's Name: Carter, Mondale, Ford, Dole and the League of Women Voters Educational Fund.

Relevant Statute: Alleges 2 U.S.C. §431(e) and 441a relevant

Internal Reports Checked: N/A

Federal Agencies Checked: N/A

SUMMARY OF ALLEGATION

That the money spent by the League of Women Voters Educational Fund to sponsor the televised presidential debates constitutes an illegal campaign contribution to the Presidential and Vice-Presidential nominees of the Democratic and Republican Parties because it necessarily enhances their chance for election over that of other candidates. No facts are alleged.

PRELIMINARY LEGAL ANALYSIS

Mr. Anderson's complaint results from Judge Robinson's ruling in the suit for injunction of the presidential debates that the court had no jurisdiction unless relief was denied by the administrative agencies responsible for enforcing the law. Anderson alleges no facts which undermine the assumption made by the Commission in the Debates Policy Statement that the LOWVEF is a non-partisan educational organization whose sponsorship of

(see continuation sheet)

RECOMMENDATION

Dismiss the complaint as setting forth no facts which support the conclusion that the LOWVEF made an illegal contribution under Title 2.

Date of Next Commission Review: _____

CONTINAUTION SHEET

PRELIMINARY LEGAL ANALYSIS

the presidential debates accorded with that history on non-partisan educational activity in the electoral process.

Rather, he attacks only the underlying legal premise of the Statement that money can be disbursed to sponsor joint

appearances by presidential candidates for debate on issues, by a charitable trust fund organization like the LOWVEF without necessarily constituting a contribution within the meaning of Title 2 of the United States Code.

77040011

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

League of Women Voters
Educational Fund
1730 M Street, N.W.
Washington, D.C. 20036

Re: MUR 241 (76)

Dear Sirs:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to the complainants, Tom Anderson et al, the Commission believes that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission does not intend to investigate the matter any further.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosure



770400:1565



FEDERAL ELECTION COMMISSION

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

Mr. Tom Anderson
Route 2
Gatlinburg, Tennessee

Re: MUR 241 (76)

Dear Mr. Anderson:

This is to acknowledge receipt of your complaint, dated September 23, 1976, alleging that the League of Women Voters Educational Fund (LOWVEF) has made illegal contributions within the meaning of the Federal Election Campaign Act of 1971, as amended, in spending money to sponsor debates between President Gerald R. Ford and James E. Carter and between Senator Walter Mondale and Senator Robert Dole. You set forth no facts supporting your conclusion, alleging only that such disbursements are illegal contributions because they "necessarily have the force and effect of enhancing the chances for election of the participants to the detriment of all other legally qualified candidates." Your complaint accordingly rests on the theory that any disbursement by non-partisan educational organizations through a charitable trust fund to sponsor joint appearances by presidential candidates for any purpose necessarily constitutes a contribution within the relevant sections of FECA.

As you are aware, the Commission in its Debates Policy Statement stated its conclusion that, in general, disbursements made by an organization such as the LOWVEF to sponsor such joint appearances are not made for the purpose of influencing a Federal Election within the meaning of 2 U.S.C. §431(e). Inasmuch as you proffer no facts which would support the conclusion that the LOWVEF's decision to sponsor the debates was motivated by considerations other than the non-partisan objectives dictated by its charter and established by its history, the Commission has concluded that your complaint does not establish any reason to believe that the LOWVEF has violated FECA, as amended.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463
GENERAL COUNSEL



77040013567

David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

CC 660

MUR 241

Ben

16 OCT 6 12:55

October 4, 1976

THE FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C.

RE: THE AMERICAN PARTY and candidates
TOM ANDERSON and RUFUS SHACKELFORD
so-called Presidential "Debates"

Dear Commissioners:

Please find enclosed a copy of COMPLAINT to FCC regarding
so-called Presidential "debates," and incorporate same
by reference with our Complaint to your Commission of
23 September 1976, a copy of which is attached hereto.

Please advise us by return mail as to the status of our
Complaint with your Commission.

Thank you very much for a prompt reply!

Respectfully submitted,



David Mitchell Basker

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

ENCL:

7704071561

David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036 RECEIVED
(202) 296-1984

COPY

OCT 6 1976

October 4, 1976

COMPLAINTS AND
COMPLIANCE DIVISION

FEDERAL COMMUNICATION COMMISSIONERS
Federal Communication Commission
20th. & M Streets, N.W.
Washington, D.C. 20035

RE: Presidential Debates 9/23/'76
Ford-Carter
Equal Time for Anderson/Am.Pty.

Dear Commissioners:

By this letter of COMPLAINT, I David M. Basker, Attorney at Law for TOM ANDERSON, presidential candidate of THE AMERICAN PARTY, do hereby request this Commission to Order and Direct that ABC, NBC, CBS, NPR, Mutual Broadcasting & Public Broadcasting, NETWORKS provide equal time for use of broadcast facilities to approximate that given candidates Ford & Carter on 9/23/1976 for one hour and twenty-eight minutes.

Equal time requests have been made to the afore-mentioned networks and denied by them. All within 7 days of 9/23/1976.

The basis for the request is that the so-called debates were in reality staged political events for media purposes. This can be proven by the facts that;

1. When the audio transmission lines to the nationwide media networks failed, the sound was shut down in the hall and the candidates stopped their discussion until such time as the media network was repaired.
2. Had there been a "bona-fide" debate then, the candidates would have continued speaking to the League of Women Voters Members and guests assembled.
3. The format was that of a panel discussion and not a debate. Frank Reynolds speaking on September 25, 1976 evening ABC news admitted that there was no true debate.
4. Panel discussions were specifically deleted from the 1959 amendments to the equal time provisions of the FCC Act which provided exemptions for political candidates from the Equal time requirements of the Act. See, dissenting opinion pg. 7 thru 12, Chisolm vs. FCC, U.S. Ct. of App's. D.C. 1976.
5. There was no face to face confrontation as is expected in a true debate format. Instead the candidates were insulated by a "safe" panel of journalists - hand picked for apparent reverence to save the candidates harmless from "biting" questions.

7704002056

Common sense is dispositive of the question such that you can imagine that during a super - bowl game , having all the players stop playing until the nation-wide media network transmission lines are repaired. Therefore, as here , one is necessarily led to conclude that the real object was to play to the nation-wide media audience rather than the immediate audience.

Accordingly, the facts support the allegation that the so-called debate of 9/23/75 was in fact a panel discussion and not a true debate and also, it was a staged political event for media purposes as opposed to a true debate for the league of women voters members and guests.

Respectfully submitted,



David Mitchell Basker
Attorney at Law for THE AMERICAN PARTY
candidate TOM ANDERSON

770400:5571

FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

76 SEP 23 P 2: 38

HAND DELIVERED

FROM & BY:

THE AMERICAN PARTY
Pigeon Forge, Tennessee
by: George Melton
National Campaign Director for American Party Candidates
Anderson - Shackelford
P.O. Box 606
Bedford, Virginia 24523

-and-

TOM ANDERSON
Route 2
Gatlinburg, Tennessee

-and-

RUFUS SHACKELFORD
104 Englis Way
Wachula, Florida

Complainants,

all C/O :

David Mitchell Baker
Attorney at Law
1316 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

TO: THE FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C.

TO RE:

Small parties have long had the notion and belief that the proposed "debates" as set up by Mr. James Carter & President Gerald Ford, and later a Senate Committee and Dole, as are proposed to be sponsored by the League of Women Voters Educational Fund (LWV) amount to an illegal campaign contribution as proscribed by the Federal Election Campaign Act and Amendments thereto Title 2 United States Code. In that states spent by the LWV to sponsor the aforementioned debates necessarily have the force and effect of enhancing the chances for election of the participants to the detriment and prejudice of all other legally qualified candidates including but not limited to your complainants.

Respectfully submitted,

By Counsel: David M. Baker

David M. Baker
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040011571

CC # 600
MUR 241
David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984
RECEIVED
FEDERAL ELECTION
COMMISSION

76 OCT 6 P12: 55

October 4, 1976

THE FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C.

RE: THE AMERICAN PARTY and candidates
TOM ANDERSON and RUFUS SHACKELFORD
so-called Presidential "Debates"

Dear Commissioners:

Please find enclosed a copy of COMPLAINT to FCC regarding
so-called Presidential " debates ," and incorporate same
by reference with our Complaint to your Commission of
23 September 1976, a copy of which is attached hereto.

Please advise us by return mail as to the status of our
Complaint with your Commission.

Thank you very much for a prompt reply!

Respectfully submitted,



David Mitchell Basker

ENCL:

77040021572

David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

COPY

OCT 6 1976

October 4, 1976

COMPLAINTS AND
COMPLIANCE DIVISION

FEDERAL COMMUNICATION COMMISSIONERS
Federal Communication Commission
20th. & M Streets, N.W.
Washington, D.C. 20036

RE: Presidential Debates 9/23/'76
Ford-Carter
Equal Time for Anderson/Am.Pty.

Dear Commissioners:

7704002357
By this letter of COMPLAINT, I David M. Basker, Attorney at Law for
TOM ANDERSON, presidential candidate of THE AMERICAN PARTY, do
thereby request this Commission to Order and Direct that ABC, NBC,
CBS, NBS, Mutual Broadcasting & Public Broadcasting, NETWORKS
provide equal time for use of broadcast facilities to approximate
that given candidates Ford & Carter on 9/23/1976 for one hour and
thirty-eight minutes.

Equal time requests have been made to the above-mentioned networks
and denied by them. All within 7 days of 9/23/1976.

The basis for the request is that the so-called debates were in
reality staged political events for media purposes. This can be
proven by the facts that:

1. When the audio transmission lines to the nationwide media
networks failed, the sound was shut down in the hall and the
candidates stopped their discussion until such time as the media
equipment was repaired.

2. At their "non-bide" debate then, the candidates
would not mention speaking to the League of Women Voters Members
and guests assembled.

3. The format was that of a panel discussion and not a debate.
Frank Reynolds speaking on Sept. 25, 1976 evening ABC news
admitted that there was no time debate.

4. Panel discussions were specifically deleted from the 1959
amendments to the equal time provisions of the FCC Act which
provides exemptions for political candidates from the Equal time
requirements of the Act. See, dissenting opinion pg. 7 thru 12,
Chicago vs. FCC, U.S. Ct. of App. D.C. 1976.

5. There was no face to face confrontation as is expected in
a true debate format. Instead the candidates were insulated by a
"safe" panel of journalists - hand picked for apparent reverence
to save the candidates harmless from "biting" questions.

7 7 0 4 0 0 : 3-5 7 ;

CC #588
MUR 241

COMPLAINT TO THE FEDERAL
ELECTION COMMISSION

September 23, 1976

HAND DELIVERED

FROM & BY:

76 SEP 23 P 2: 39

THE AMERICAN PARTY
Pigeon Forge, Tennessee
by: George Melton
National Campaign Director for American Party Candidates
Anderson - Shackelford
P.O. Box 606
Bedford, Virginia 24523

-and-

762446

TOM ANDERSON
Route 2
Gatlinburg, Tennessee

-and-

RUFUS SHACKELFORD
104 Englis Way
Wachula, Florida

Complainants,

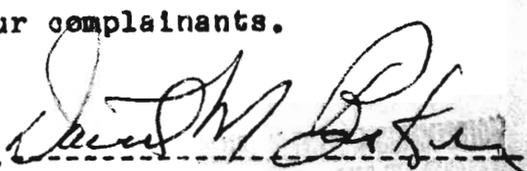
all C/O :

David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

TO: THE FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C.

TO WIT:

COMPLAINANTS aver upon information and belief that the proposed "debates" as between Mr. James Carter & President Gerald Ford, and between Sens. Mondale and Dole, as are proposed to be sponsored by the League of Women Voters Educational Fund (LOWV) amount to an illegal campaign contribution as proscribed by The Federal Election Campaign Act and Amendments thereto Title 2 United States Code in that monies spent by the LOWV to sponsor the aforementioned debates necessarily have the force and effect of enhancing the chances for election of the participants to the detriment and prejudice of all other legally qualified candidates including but not limited to your complainants.

Respectfully submitted, 
By Counsel: David M. Basker

DISTRICT OF COLUMBIA, SS:

DAVID M. BASKER being first duly sworn on oath says the foregoing is a just and true statement of the COMPLAINT and facts which support same, and that he is the Attorney at Law for the Complainants and is a proper person duly authorized to prosecute the foregoing Complaint on their behalf and subscribe to and swear to any and all documents in support thereof, and that the Complainants are not presently available within the jurisdiction of the District of Columbia for the purpose of subscribing and swearing to the foregoing Complaint.

Robert A. Strain
Notary Public, Washington, D.C.

Subscribed and sworn to before me this 23 of September, 1976.

My Commission expires: June 14, 1979

David Mitchell Basker
Attorney at Law
1346 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

OFFICE OF GENERAL COUNSEL

COMPLAINT TO THE FEDERAL
ELECTION COMMISSION
September 23, 1970

FROM & BY:

76 SEP 23 P 2: 39

THE AMERICAN PARTY
Pigeon Forge, Tennessee

HAND DELIVERED

By: George Melton
National Campaign Director for American Party Candidates
Anderson - Shackelford
P.O. Box 606
Bedford, Virginia 24023

-and-

TOM ANDERSON
Route 2
Cullinburg, Tennessee

-and-

RUFUS SHACKLEFORD
104 English Way
Machula, Florida

Complainants,

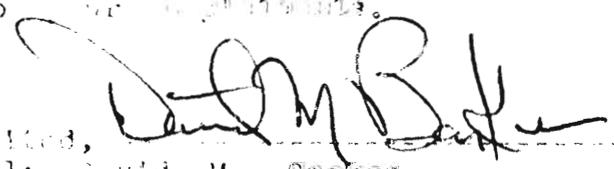
all c/o :

David Mitchell Baker
Attorney at Law
1316 Connecticut Ave., N.W. #1024
P. O. Box 19331
Washington, D.C. 20036
(202) 296-1984

TO: THE FEDERAL ELECTION COMMISSION
1225 K Street, N.W.
Washington, D.C.

TO WHOM:

On September 23, 1970, I am in full belief that the proposed "Pledge" as set forth by the American Party & President Gerald R. Ford, which is being distributed to the public, and is proposed to be sponsored by the National Conservative Political Action Fund (NCPAF) amount to an illegal campaign contribution as proscribed by The Federal Election Commission Act, Title 2 of the United States Code, and Title 52 of the United States Code, and by the NCPAF to sponsor the distribution of the "Pledge" to the public and effect of extending the influence of the participants to the distribution of the "Pledge" to all legally qualified candidates including but not limited to the complainants.

Respectfully submitted,

By Counsel: David M. Baker

FEDERAL ELECTION COMMISSION
RECEIVED
SEP 23 1970
LEGAL COUNSEL

DISTRICT OF COLUMBIA, SS:

DAVID M. ANDERSON being first duly sworn on oath says the foregoing is a just and true statement of the COMPLAINT and facts which support same, and that he is the Attorney at Law for the Complainants and is a proper person duly authorized to prosecute the foregoing Complaint on their behalf and subscribe to and swear to any and all documents in support thereof, and that the Complainants are not presently available within the jurisdiction of the District of Columbia for the purpose of subscribing and swearing to the foregoing Complaint.

Robert A. Strick
Notary Public, Washington, D.C.

Subscribed and sworn to before me this 23 of September, 1976.

My Commission expires: *Jan 14, 1979*

RECEIVED SECTION EMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

David M. Anderson
Attorney at Law
1200 Connecticut Avenue, N.W.
Washington, D.C. 20036

FEDERAL ELECTION COMMISSION

1. Memo from Emons to Oldaker - 10/13/76

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):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed

Kent Buehler

date

9/27/77

77040013581