



FEDERAL ELECTION COMMISSION

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

2 2 MAR 1976

Mr. Lawrence M. Sobel  
8183 Inverness Ridge Road  
Potomac, Maryland 20854

Dear Mr. Sobel:

I have received your complaint of December 14, 1975, alleging violations of 18 U.S.C. §§602, 603 and 5 U.S.C. §§7322, 7323 by President Ford. I have reviewed your allegations and have concluded the Federal Election Commission does not have authority over the matters set forth. Accordingly, upon my recommendation, the Commission is closing its files in this matter and will proceed with no further investigation of it.

If further information comes to your attention which you believe establishes a claim on matters within the Commission's jurisdiction, please feel free to write and apprise me of them.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.  
General Counsel

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OFFICE OF GENERAL COUNSEL



7704001584

FEDERAL ELECTION COMMISSION  
Washington, D. C.

Complainant's Name: Lawrence M. Sobel (an employee of HEW)

Respondent's Name: President Ford

Relevant Statute: 18 U.S.C. §§602, 603; 5 U.S.C. §§7322, 7323

Internal Reports Checked: None

Federal Agencies Checked: Civil Service Commission; Dept. of Justice

SUMMARY OF ALLEGATION

Complainant, a Federal employee, alleges that by sending him a solicitation letter at his place of employment, President Ford may have violated 18 U.S.C. §§602, 603; 5 U.S.C. §7322, 7323. Complainant has addressed identical complaining letters to the Department of Justice and the Civil Service Commission.

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PRELIMINARY LEGAL ANALYSIS

The Federal Election Commission does not have jurisdiction over the statutes for which violations are alleged. Jurisdiction over §§602, 603 lies with the Justice Department; jurisdiction over §§7322 and 7323 lies with the Civil Service Commission, which has already advised complainant that in this respect his complaint is lacking in substantiality.

RECOMMENDATION

The case should be closed; a referral would be redundant.  
An appropriate notification letter is attached.

Date of Next Commission Review: \_\_\_\_\_

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**UNITED STATES CIVIL SERVICE COMMISSION**  
**OFFICE OF THE GENERAL COUNSEL**  
 WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

GC:LEG 4

YOUR REFERENCE

JAN 29 1976

Mr. Lawrence M. Sobel  
 8183 Inverness Ridge Road  
 Potomac, Maryland 20854

FEDERAL ELECTION COMMISSION  
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 OFFICE OF GENERAL COUNSEL

Dear Mr. Sobel:

This refers to your complaint concerning a solicitation for a political contribution to Republican Congressional candidates, in a letter signed by the President of the United States on behalf of the National Republican Congressional Committee, which was received at your place of Federal employment. Your complaint refers to possible violations of both title 18 and title 5 of the United States Code. Inasmuch as the Department of Justice is responsible for the administration of possible violations of title 18, our response relates only to possible violations of title 5, United States Code, specifically sections 7322 and 7323.

The pertinent provisions of title 5, United States Code, are set forth below:

7701

§7322. Political use of authority of influence; prohibition

The President may prescribe rules which shall provide, as nearly as conditions of good administration warrant, that an employee in an Executive agency or in the competitive service may not use his official authority or influence to coerce the political action of a person or body.

§7323. Political contributions; prohibition

An employee in an Executive agency (except one appointed by the President, by and with the advice and consent of the Senate) may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a thing of value for political purposes. An employee who violates this section shall be removed from the service.

2105. Employee

(a) For the purpose of this title, "employee", except as otherwise provided by this section or when specifically modified, means an officer and an individual who is--

(1) appointed in the civil service by one of the following acting in an official capacity--

(A) the President;

(B) a Member or Members of Congress, or the Congress;

(C) a member of a uniformed service;

(D) an individual who is an employee under this section;

(E) the head of a Government controlled corporation;  
or

(F) the adjutants general designated by the Secretary concerned under section 709(c) of title 32, United States Code;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and

(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the performance of the duties of his position.

The definition of "employee", for purposes of title 5, is of particular relevance in this matter, inasmuch as that term refers to an individual "appointed in the civil service" by, among others, "the President." In other words, the term "employee," for purposes of title 5, does not include the President himself.

With respect to section 7323, the prohibition as to exchange of "thing(s) of value for political purposes" is specifically limited to "an employee, a Member of Congress, or an officer of a uniformed service." This section does not prohibit a contribution to a campaign committee such as the National Republican Congressional Committee. Further, the Hatch Act itself (5 U.S.C. 7324, et seq.) does not prohibit a Federal employee from voluntarily contributing money to a campaign committee or organization.

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Thus, it does not appear that the described situation presents any violations of sections 7322, 7323, or 7324 of title 5, United States Code.

With respect to your concern as to the furnishing of your name and Federal mailing address by an unknown person or organization to the National Republican Congressional Committee, our regulations provide, at section 294.702 of title 5, Code of Federal Regulations, that such information from an employees' Official Personnel Folder (OPF) is available to the public except when:

- . . . (3) There is reason to believe that the information is sought for political purposes or purposes which may violate the political activity prohibitions in subchapter III of chapter 73 of title 5, United States Code, or which may violate other law.

Thus we are interested in learning the manner in which the National Republican Congressional Committee obtained your name and place of employment. If the information was furnished directly from your OPF, the employee who furnished such data may have violated the regulation set forth above. In this regard, we have conferred with officials of the Department of Justice who have advised that in view of our common interest they will make certain inquiries into this matter and furnish the Commission with pertinent results of their inquiry.

Thank you for bringing this matter to our attention.

Sincerely yours,

Carl F. Goodman  
General Counsel

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CIVIL SERVICE COMMISSION

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76 JAN 31 P12: 53

Michael Hershman, Esquire  
Federal Election Commission  
1325 K Street, NW. - 3rd Floor  
Washington, D.C. 20463

77010115

8183 Inverness Ridge Road  
Potosac, Maryland 20854  
December 14, 1975

DEC 17 PM 12:06

Mr. Antonin Scalia  
Assistant Attorney General, Office of Legal Counsel  
United States Department of Justice  
10th and Constitution Avenue, N. W. - Room 5214  
Washington, D.C. 20530

✓ Mr. William Oldaker  
Assistant General Counsel  
Federal Election Commission  
1325 K Street, N. W. - 3rd Floor  
Washington, D.C. 20463

Mr. Ralph Eddy  
Office of the General Counsel  
United States Civil Service Commission  
1900 E Street, N. W. - Room 6R31  
Washington, D.C. 20415

FEDERAL ELECTION COMMISSION  
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Gentlemen:

77040011590

I would like to register a complaint and request an investigation regarding a solicitation, at my place of Federal employment, for a political contribution to Republican Congressional candidates made by the President of the United States on behalf of the National Republican Congressional Committee (see enclosed materials). I am a career Civil Service appointee, and am concerned that I am being importuned to commit an illegal act, i.e., to give a thing of value, as a Federal employee, to Members of Congress for a political purpose (see 18 U.S.C. Ch.29, Sec.607; and 5 U.S.C. Sec.7323). I am also concerned that the solicitation itself of a Federal employee at his place of Federal employment by an officer of the United States for a political contribution may be an illegal act, or at the least a grave impropriety (see 18 U.S.C. Ch.29, Secs.602 and 603; 5 U.S.C. Secs.7322 and 7323). If this is in fact the case, the furnishing by another organization of my name and Federal mailing address to the National Republican Congressional Committee for this purpose, without my knowledge or consent, would also appear to be a highly questionable act.

I am particularly concerned over the heavy-handed tone of the solicitation. The President of the United States has told me that, "In order to successfully reach this goal [of electing a Republican Congress], we need virtually 100% participation by all friends and supporters of this Committee." The President also specifies: "I look forward to Chairman Vander Jagt's report to me on the results of this

appeal, Mr. Sobel." Will I commit a crime or other violation if I, solicited as a Federal employee, follow the President's advice and contribute? If I do not contribute, will Chairman Vander Jagt personally identify me, in his "report" to the President, as a Federal employee and as one of those who prevented the President from reaching his goal of 100% participation? What will happen to my Federal career if I do not contribute?

You should note that at the very bottom of the solicitation form, there is a statement that "If you are a Federal employee...please disregard this appeal." If this is meant to be some sort of a disclaimer, it is a strange disclaimer indeed. There is no reference to Federal employees in the actual letter of solicitation by the President. The statement comes well after the contribution check-off and instructions for payment, and will thus not be noticed by many. Although certain items on the solicitation form are important enough to warrant boldfaced type (such as: "Please make checks payable to the GOP Victory Fund" [in boldfaced type]), the statement regarding Federal employees is not so designed to catch the eye. Finally, I can only conclude that since the solicitation was sent to me at the "Us Dept of HEW" and not to my private residence, the senders were aware of my Federal employment, considered the "disclaimer" to be of no consequence, and expected me to disregard it if I did happen to notice it.

I would appreciate an acknowledgment of receipt of this complaint by you, and a response from you as to (1) whether the President of the United States, the National Republican Congressional Committee, or any organization which supplied my name and Federal mailing address, without my knowledge or consent, to this Committee, committed any statutory violations or other improprieties by this solicitation; (2) whether I will be committing a crime or other violation if I accede to the President's request and make a contribution under these circumstances; (3) whether this was an isolated case or a widespread solicitation of Federal employees; and (4) what remedial action, if any, you intend to take as a result of this solicitation, my complaint, and your investigation.

Thank you for your prompt attention to this complaint. I consider this a very serious matter, and the Congress apparently did also, since prohibited political activity in the Federal service can subject the offender to removal from the Federal service, and to a \$5,000 fine and imprisonment for up to three years.

Please feel free to call or write me if you require further information.

Sincerely yours,  
*Lawrence M. Sobel*  
Lawrence M. Sobel

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Enclosure

77040011591

WALD R. FORD  
THE WHITE HOUSE  
BOX 2037  
WASHINGTON, D.C. 20013



PLEASE MAIL  
EARLY FOR  
CHRISTMAS



16A-4K

77040011599

Sr. Lawrence H. Sobel  
Us Dept of Hwy 16-1-00  
5600 Fishers Ln  
Rockville, Maryland 20852

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GERALD R. FORD

WASHINGTON

December 4, 1975

Mr. Lawrence H. Sobel  
Us Dept of Hwy 16-1-40  
5600 Fishers Ln  
Rockville, Maryland 20852

Dear Mr. Sobel,

I am writing you today to personally ask for your help in a matter that is of great concern to me.

Since becoming President, I have tried to achieve many things. Among them are holding the line of government spending to reduce inflation, a strong national defense, less government regulation, and a national energy program to prevent us from being at the mercy of foreign energy suppliers.

As you know, many of these efforts and other positive steps have been thwarted by a Congress heavily controlled by the Democrats. In some instances, the Congress has turned a deaf ear; in others it has written its own extravagant legislation.

I have had to employ the veto over 30 times to stem this tide of irresponsible legislation.

However, Mr. Sobel, you and I know that this is only a temporary solution.

What America needs is a Republican Congress working for Republican goals. Unless more Republicans are elected in 1976, inflation and excessive deficit spending will continue.

That is why I have visited many regions of the country for the Republican Party and Republican candidates. Though I would prefer to contact you on one of these party-building trips, time dictates a written message.

Democrats seem to believe that America is great because of what government does for people and generally vote for more government programs, more federal spending and taxing. Republicans believe America is great because of what free people do for themselves and generally vote for less government involvement. Democrats have controlled the Congress

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"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."  
Absolutely no taxpayers' funds have been used in the preparation or mailing of this communication.

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Mr. Lawrence Sobel

for 40 of the last 45 years and have contributed to the many problems we face today.

The best way to begin overcoming such problems is to elect more Republicans to Congress in 1976. That is the best way to reduce wasteful government spending, cut back needless federal controls which are strangling our private enterprise system, and reform a welfare system that saps individual initiative and costs you and other taxpayers billions of dollars each year.

This is why I sincerely hope you will decide, today, to support the outstanding work of the National Republican Congressional Committee in its effort to elect Republicans in 1976.

This committee supports Republican candidates for the House of Representatives with direct campaign contributions and a wide variety of important campaign services.

From my own experience as a Member of Congress, I know that the Committee's support is invaluable in electing and re-electing Republicans to the House of Representatives.

Committee Chairman, Congressman Guy Vander Jagt, has told me a financial goal of \$2,100,000 has been established for the 1976 GOP Victory Fund. I feel this sum is reasonable and necessary. It must be achieved.

You can play a major role by joining me and the Committee in our joint efforts to elect a Republican Congress by sending your maximum contribution in the enclosed envelope. In order to successfully reach this goal, we need virtually 100% participation by all friends and supporters of this Committee.

Without your help we simply cannot elect more Republicans to Congress.

I look forward to Chairman Vander Jagt's report to me on the results of this appeal, Mr. Sobel.

Thank you in advance for your assistance.

Sincerely,

*Jerry Ford*

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77040011594

77040011595

To: President Gerald R. Ford, c/o GOP VICTORY FUND  
P.O. Box 2837, Washington, D.C. 20013

Dear Mr. President:

I agree. We must stop waste in government, cut bureaucratic rules and regulations, fight inflation and recession and keep a strong U.S. Military Defense.

I know you need 100% participation to reach your goal and I will do my share to help. Enclosed is my contribution to the 1976 GOP VICTORY FUND in the amount of:

- \$ \_\_\_\_\_
- \$100
- \$75
- \$50
- \$25
- \$15
- \$10
- CHECK ATTACHED
- BILL ME \$ \_\_\_\_\_
- QUARTERLY
- OTHER: \_\_\_\_\_

I am sorry, I cannot contribute now. But please keep me informed of your 1976 GOP Victory Fund Campaign plans for next year.

FROM:

Mr.  
Mrs.  
Miss  
Ms.

PLEASE PRINT YOUR NAME HERE

PLEASE PRINT YOUR ADDRESS HERE

PLEASE PRINT YOUR CITY OR POST OFFICE HERE

STATE

ZIP CODE

OCCUPATION

PLACE OF BUSINESS

Please make checks payable to the GOP 1976 Victory Fund. Your personal letter of acknowledgment (a valid tax-deductible receipt) will be sent by return mail. Please indicate changes of address necessary. Thank you!

Please return your check in the enclosed postage-paid envelope.

Corporate contributions are prohibited by law.

If you are a Federal employee or if you have a matter pending before a Federal regulatory commission or a Federal agency, please disregard this appeal.

"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." Absolutely no taxpayers' funds have been used in the preparation or mailing of this correspondence.

National Republican Congressional Committee • U.S. House of Representatives • Box 2837 • Washington, D.C. 20013  
Guy A. Vander Jagt, M.C., Chairman • George Olmsted, Treasurer

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**PERSONAL**

Gerald R. Ford  
The White House  
c/o G.O.P. 1976 Victory Fund  
Box 2837  
Washington, D.C. 20013

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OFFICE OF GENERAL COUNSEL

Lawrence M. Sobel  
8183 Taverness Ridge Road  
Potomac, Maryland 20854

7704001159

00:11

**REGISTERED**  
NO. 207395

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Mr. William O. ...  
Assistant General Counsel  
Federal Election Commission  
1325 K Street, N.W. - 3rd Floor  
Washington, D.C. 20463

**RETURN RECEIPT  
REQUESTED**

FEDERAL ELECTION COMMISSION

- 1) Memo to Steuding from Schachman 02-20-76  
a) " " Schachman " Spiegel 02-27-76
- 
- 

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 Kurt Burkhardt  
date 10/4/77

FEC 9-21-77

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