



FEDERAL ELECTION COMMISSION

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

17 AUG 1976

William H. & Ruth A. Wenneman  
Blueberry Hill  
Longnook Road  
Truro, MA 02666

Re: MUR 077 (76)

Dear Mr. & Mrs. Wenneman:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

Sincerely yours,

Signed: John G. Murphy, Jr.  
John G. Murphy, Jr.  
General Counsel

Enclosures

77040012573

RECEIVED  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463  
AUG 17 1976

Spiegel: amh 8/16/76





FEDERAL ELECTION COMMISSION

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

17 AUG 1976

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Sincerely yours,

Signed: John G. Murphy, Jr.  
John G. Murphy, Jr.  
General Counsel

Enclosures

77040012576

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OFFICE OF GENERAL COUNSEL

Spiegel: Amh 8/10/76





FEDERAL ELECTION COMMISSION

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

July 27, 1976

Mr. Paul H. Davis  
P. O. Box 6087  
Carmel, California 93921

RE: MUR 077 (76)

Dear Mr. Davis:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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*John G. Murphy, Jr.*  
John G. Murphy, Jr.  
General Counsel

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FEDERAL ELECTION COMMISSION

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

July 27, 1976

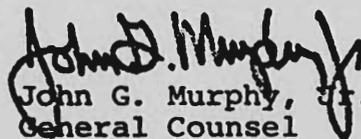
Mrs. W. A. Saylor  
225 W. Foothill Blvd.  
Arcadia, California 91006

RE: MUR 077 (76)

Dear Mrs. Saylor:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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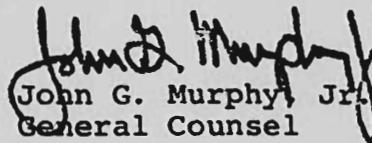
Mr. R. W. Brownlee  
3964 Del Rosa Drive  
Jackson, Mississippi 39206

RE: MUR 077 (76)

Dear Mr. Brownlee:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

Sincerely yours,

  
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General Counsel

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FEDERAL ELECTION COMMISSION

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

July 27, 1976

Mr. D. S. McLellan  
611 South Main Street  
Oxford, Ohio 45056

RE: MUR 077 (76)

Dear Mr. McLellan:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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WASHINGTON, D.C.



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

July 27, 1976

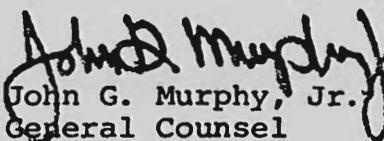
Mr. John E. Wiebe  
P. O. Box 51  
Newton, Kansas 67114

RE: MUR 077 (76)

Dear Mr. Wiebe:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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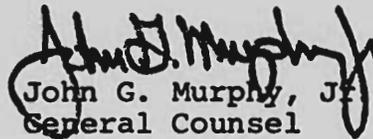
Mr. Robert S. Strauss  
Chairman  
Democratic National Committee  
1625 Massachusetts Ave., N.W.  
Washington, D.C. 20036

RE: MUR 077 (76)

Dear Mr. Strauss:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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WASHINGTON, D.C. 20463

July 27, 1976

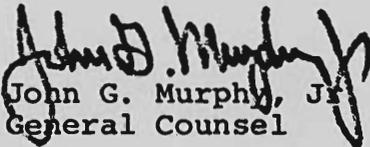
Mr. Jim Manning  
914 Magu Street  
Elmira, New York 14901

RE: MUR 077 (76)

Dear Mr. Manning:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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July 27, 1976

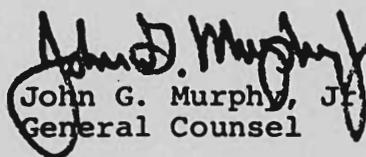
Ms. Jessie W. McKee  
1308 Otter Lane  
Oregon City, Oregon 97045

RE: MUR 077 (76)

Dear Ms. McKee:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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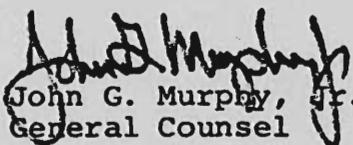
Ms. Arlene M. Boelter  
2812 - 2nd Avenue, North  
Billings, Montana 59101

RE: MUR 077 (76)

Dear Ms. Boelter:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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

July 27, 1976

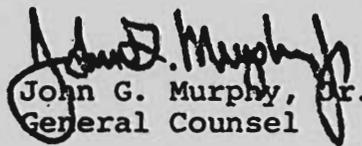
Mr. Glenn Smith  
2873 Lewiston Road  
Niagara Falls, New York 14305

RE: MUR 077 (76)

Dear Mr. Smith:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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JUL 27 1976



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WASHINGTON, D.C. 20463

July 27, 1976

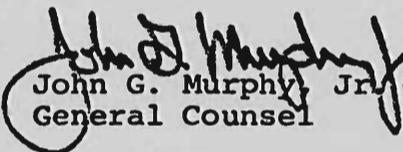
Mr. Joseph C. Poley, Sr.  
125 Shishler Avenue  
Aldan, Pennsylvania 19018

RE: MUR 077 (76)

Dear Mr. Poley:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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1325 K STREET N.W.  
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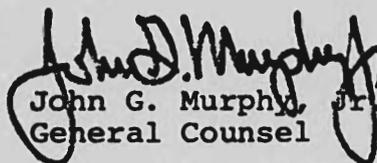
Mr. William Wenneman  
The Mills Hyatt House  
Meeting & Queen Streets  
Charleston, South Carolina 29401

RE: MUR 077 (76)

Dear Mr. Wenneman:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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FEDERAL ELECTION COMMISSION

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

July 27, 1976

Frank J. Bona, Esq.  
428 Porter Avenue  
Buffalo, New York 14201

RE: MUR 077 (76)

Dear Mr. Bona:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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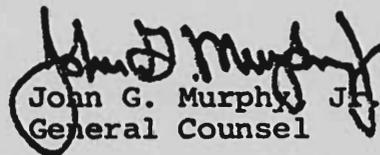
Mr. Irwin L. Paull  
6511 Bracken Ridge Ave.  
Cincinnati, Ohio 45213

RE: MUR 077 (76)

Dear Mr. Paull:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION

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

July 27, 1976

Mr. Fred Harris  
1412 K Street, N.W.  
Washington, D.C. 20005

RE: MUR 077 (76)

Dear Mr. Harris:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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FEDERAL ELECTION COMMISSION

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

July 27, 1976

Ms. Carolyn C. Ball  
826 St. Stephens Road  
Alexandria, Virginia 22304

RE: MUR 077 (76)

Dear Ms. Ball:

The Commission has voted 6-0 to close the file in this case and has directed me by a 5-1 vote to transmit to you the enclosed Commission Action, Commissioner Staebler dissenting for the reasons stated in his separate opinion; Vice-Chairman Harris has also filed an opinion setting forth his views on the matter, which Commissioners Aikens and Springer have joined. Copies of both opinions are enclosed.

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General Counsel

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OFFICE OF GENERAL COUNSEL



STATEMENT OF COMMISSIONER HARRIS

7704001259

The question here presented is whether political activity by a federal employee on behalf of a candidate for federal office raises any issue within the purview of the Federal Election Campaign Act and of this Commission. It is assumed that the challenged political activity was carried on in part during normal working hours. No assumption is made as to whether time thus spent was made up by regular, non-political, work outside of normal hours.

This issue has been raised in connection with the executive branch of the government, including White House staff, but has application <sup>also</sup> too to congressional employees. It will be considered in the context of the other statutes, orders and rules which may bear upon it.

The political activity of federal employees is regulated primarily by the Hatch Act, which forbids covered employees from taking "an active part in political management or in political campaigns." 5 USC §7324a. This statute applies only to employees in the executive and not the legislative branch of the government; and numerous categories of executive branch employees are excluded from its reach, including "an employee paid from the appropriation for the office of the President." In any event, enforcement of the Hatch Act is

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE

entrusted to the Civil Service Commission, not to this Commission. See 5 USC §7325; U.S. Civil Service Commission v. National Association of Letter Carriers, 412 U.S. 548, 574.

Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees," contains general language which might be stretched to cover political activity in government offices, viz. Sec. 204:

"An employee shall not use federal property of any kind for other than officially approved activities."

Apparently, however, official approval could be urged as a defense, and here again, this Order too is enforceable by the Civil Service Commission, not by this Commission.

Another statute cited as barring federal employee political activity, at least during normal working hours, is 31 USC §628, which provides:

"Except as otherwise provided by law, sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

This provision falls within the general investigative and reporting functions of the Comptroller General. 31 USC §53. Public Citizen and Ralph Nader have brought suit under §628 to bar the use of government employees to aid the re-election campaigns of incumbent federal officeholders. The suit was dismissed for lack of standing by the district court, but is pending on appeal. (No. 74-2025, D.C. Cir. Argued Oct. 23, 1975). Here again, there is no suggestion that this Commission

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has any authority to enforce this statute.

Various provisions of the Rules of the two Houses of Congress and of the Legislative Reorganization Act of 1946 (60 Stat. 812) also deal, though indirectly, with the issue of political activities by congressional employees; and, although those provisions are of course not administered by this Commission, the interpretations the Houses have given their rules do throw light on their practices and understandings as to what is permissible. Rule 8 of House Rule XLIII provides:

"A Member of the House of Representatives shall retain no one from his clerk hire who does not perform duties commensurate with the compensation he receives."

This rule has been interpreted by the House Committee on Standards of Official Conduct as follows:

"As to the allegation regarding campaign activity by an individual on the clerk hire rolls of the House it should be noted that due to the irregular time frame in which the Congress operates, it is unrealistic to impose conventional work hours and rules on Congressional employees. At sometimes these employees may work more than double the usual work week -- at others, some less. These employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods. If, during the periods he is free, he voluntarily engages in campaign activity, there is no bar to this. There will, of course, be differing views as to whether the spirit of this principle is violated but this Committee expects Members of the House to abide by the general proposition." [Congressional Record (daily edition), H. 6053, July 12, 1973].

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This interpretation that congressional employees may engage in campaign activity on their own time, and that such activity even during normal working hours is permissible upon the assumption that the lost time is made up, parallels the interpretation this Commission's General Counsel has given to the definition of "contribution" in the Federal Election Campaign Act. See OC 1975-30 (March 22, 1976).

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The Legislative Reorganization Act of 1946 (2 USC §72a(a)) and the Rules of the House, Rule XI, clause 6(a)(3)(B) and (C) could be regarded as imposing an absolute ban on political activity by professional staff members of standing committees, as distinguished from the staff of individual legislators. However, a study by the Congressional Research Service suggests that these provisions were only meant to ban political activity during normal working hours. See Maskell and Burdette, Political Activity by Congressional Employees, (Feb. 26, 1976), pp. 3-4.

Further light is shed on Congressional practice by Rule XLIII of the Standing Rules of the Senate. It reads:

POLITICAL FUND ACTIVITY BY OFFICERS AND EMPLOYEES

- 1. No officer or employee whose salary is paid by the Senate may receive, solicit, be the custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to any assistant to a Senator who has been

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designated by that Senator to perform any of the functions described in the first sentence of this paragraph and who is compensated at a rate in excess of \$10,000 per annum if such designation has been made in writing and filed with the Secretary of the Senate. The Secretary of the Senate shall make the designation available for public inspection.

The second sentence of this provision makes it absolutely clear that, as far as the Senate is concerned, there is no bar to political activity by senatorial assistants paid above \$10,000 per annum.

We come then to the question of the application of the Federal Election Campaign Act to political activities of federal employees on behalf of candidates for federal office.

The most elaborate presentation made in support of the complaints is the memorandum amicus curiae filed by Public Citizen. (This organization, as noted, is also engaged in attempting to litigate the applicability of 31 USC §628 to federal employee political activity).

Public Citizen argues that "government payment of the salary of an official who spends a substantial part of his working hours campaigning" is a "contribution" under the Act, and hence an "expenditure" by the recipient candidate or his committee. The definition of "contribution" relied on is 2 USC §431(e)(4), which provides that "contribution":

"means the payment, by any person other than a candidate or a political committee, of compensation for the personal services of another person which are rendered to such candidate or political committee without charge for any such purpose."

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The brief amicus points out that "person" is broadly defined to include "any other organization" (2 USC §431(h)), and argues at some length that the government is a "person" within this definition.

One obstacle to this argument is that "In common usage that term [person] does not include the sovereign, and statutes employing it will ordinarily not be construed to do so."

U.S. v. United Mine Workers, 330 U.S. 258, 687. A still more formidable barrier is the absurdity of the result, for if the United States is a "person", and its payments of salary for time spent politicking are "contributions", it is subject to the \$1,000. ceiling on contributions of §441a(a)(1), and is subject to the Act's criminal provisions. See §441j.

A more plausible line of argument is that, although these salary payments are not a contribution within §431(e)(4), they are a contribution under the general language of §431(e)(1) as "a gift ... of money or anything of value made for the purpose of -- (A) influencing" nomination or election to federal office. If this language were viewed as applicable it would be possible to disregard the role of the United States as contributor, but to require recipient candidates or committees to report the salary payments as contributions in-kind to them and as expenditures by them -- a result less absurd than would follow from holding the United States to be a "person".

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However this construction, too, runs afoul of the literal language of the statute, for the "gift" is "made" by the United States, and the United States has no purpose to influence an election: only the incumbent officeholder and the employee have that purpose.

This contribution would also involve the Commission in great practical difficulties of administration. The definition of "contribution" excludes "the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee". §431(e)(5). Thus if complaints were filed the Commission would have to determine in each instance:

- (a) Whether the services were in fact volunteered, or were required by the incumbent officeholder;
- (b) Whether a normal day's work was done by the employee, so that the services could be said to be "without compensation".
- (c) Whether particular activities were intended to influence the election, or to report to constituents on public issues or to assist them with particular problems.

This last distinction would be impossible of administration, except upon a presumption based on proximity to the election.

And, as the Court of Appeals noted in Buckley v. Valeo:

"It is certainly appropriate for Congress to assure that steps taken to diminish incumbency advantage do not have the result of eroding representation or the effectiveness of a legislator in communicating with his constituents."

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The Court also noted:

"Any advantage gained by incumbents from service to their constituents is neither novel nor pernicious. Indeed, this may be a vindication of the principles of democracy."

These three types of determinations would have to be made in the first instance by reporting candidates and committees, but would be reviewable by the Commission if complaints were filed, as many surely would be by competing candidates.

If the services were (a) not volunteered, or (b) even if they were to the extent that they were in lieu of, and not in addition to, normal non-political work, or (c) if the services were for the purpose of influencing the election, as distinguished from constituent reporting or service, then the value of the services (presumably the salary paid) would be reportable as contributions and expenditures.

The Commission as presently staffed and budgeted could not conceivably handle the problems to which such a construction of the Act would give rise. <sup>P</sup> Assuming that the United States is not subject to the ceilings on contributions, the consequence of holding that government employee political activity is a contribution and an expenditure would, in the case of congressional elections, be simply to trigger a reporting obligation. In the case of a presidential general election, however, such a holding would be an absolute barrier to employee political activity on behalf of an incumbent President accepting public financing.

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Public Citizen argues that that is just what Congress must have intended.

Public Citizen points out that much of the impetus for the 1974 amendments to the Act came from the abuses of the Nixon administration during the 1972 election, and that "among the most prominent of these abuses was the extraordinary use of the federal government for campaign purposes, including the extensive use of Cabinet officials and White House advisors in campaign activities." The sequitur asserted is that the 1974 amendments must have been meant to bar these abuses.

However there is nothing in the language or the legislative history of the 1971 Act (enacted in 1972), the 1974 amendments, or the 1976 amendments, that even hints that Congress meant to deal with federal employee political activity via the Election Campaign Act. It is inconceivable to me that Congress intended, without mentioning it, to confer on this Commission responsibility for monitoring political activity by government employees, including congressional staffs. If, as Public Citizen says, the 1972 misuse of White House staff was prominently before Congress in 1974, its total omission to deal explicitly with that problem via the Election Campaign Act must indicate a decision to leave its handling to other statutes, rules and orders, and to agencies other than this Commission. None of the studies made by the Congressional Research Service early this year suggests that the Election Campaign Act has application to the problem.

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OFFICE OF GENERAL COUNSEL

I accordingly conclude that the complaints filed with this Commission do not allege any violation of law within the jurisdiction of this Commission. It goes without saying that I do not, in reaching this conclusion, negate or minimize the possibilities of abuse which exist as respects political activities by federal employees on behalf of incumbent federal officeholders, nor do I minimize the advantage this may give incumbents over challengers. I simply conclude that this Commission has not been empowered to do anything about it.

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OFFICE OF GENERAL COUNSEL

STATEMENT OF COMMISSIONER STAEBLER  
CONCURRING IN RESULT

While I concur in the action of the Commission in closing the file in MUR-077, I do so solely on the basis of the Commission's inherent discretion not to pursue matters which will not further the purposes of the Act. I cannot, however, concur in the conclusion of my fellow Commissioners that the Commission has found "no reason to believe" that a violation of the Act has occurred.

I. PURSUIT AT THIS TIME OF MUR-077 WILL NOT FURTHER THE PURPOSES OF THE ACT

Resolution of this particular, well-publicized case, caught in the aftermath of the Buckley decision, fraught with procedural complexities, and largely mooted by subsequent events, has been delayed far too long. Nothing submitted to the Commission indicates any intentional violation by Mr. Morton, the President Ford Committee, or the White House. Any possible continuing questions as to the propriety of Mr. Morton's status were closed by his resignation within a matter of weeks after the events which prompted the complaints. As will be discussed in more detail below, the reach of the law in this delicate area is less than completely clear. There is every indication that if any technical violation occurred it would have been found to be both inadvertent and minimal in effect. Under such circumstances to commit scarce Commission resources to a full-blown investigation of this particular case cannot, in my opinion, be justified.

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ATTORNEY GENERAL COUNSEL

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I believe, however, that the issues presented by the complaints are issues of great public significance and merit further discussion. I do so here in order that the Commission's decision not be misunderstood and that Congress and the public be made aware of questions which yet remain with respect to the Commission's mandate.

II. POLITICAL USE OF GOVERNMENT EMPLOYEES REMAINS A MAJOR AMBIGUITY IN THE LAW

This case highlights a major ambiguity in the political process which remains despite all recent reform legislation: the extent to which government employees and other government resources may be used for political purposes. In many higher level positions of government, there is an inevitable, perhaps inseparable involvement with politics; the gradation between general political matters and campaign-related activity can be almost imperceptible.

Access to government employees and resources constitutes an undeniable and material advantage to candidates with power to make political use of them. This is particularly true with respect to an incumbent President, campaigning for re-election, possessed of great resources, and subject to a tight limit on his campaign spending. The literal language of the definition of a contribution and an expenditure under the Act includes "anything of value used to influence the nomination of a candidate for Federal office". The points raised by Commissioner Harris as to whether government assets may be contributions or expenditures at all is not answered by resort to the legislative

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history of the FECA. However, the use of government employees for political use is considered an abuse in the mind of the public.

Such abuse creates a loophole of major proportions in the contribution and expenditure limits established by the Federal Election Campaign Act. It is most unfortunate that the guidance given by the law in this area is so unclear.

III. UNDER DIFFERENCE CIRCUMSTANCES THERE MIGHT BE SUFFICIENT EVIDENCE TO WARRANT INVESTIGATION

To close the file for lack of sufficient evidence, as the General Counsel's report recommends, may convey the impression that all similar complaints will be similarly dismissed. While a consistent standard of evidence for all such complaints is certainly necessary, I believe that the Commission must hold itself in readiness to proceed to obtain independent evidence, based on a standard of evidence no higher than present in these complaints, when circumstances are more appropriate than here.

I do not believe, as the Commission's letter implies and the General Counsel's report states, that Congress intended the Commission to be so procedure-bound that only a documented, prima facie case can justify an investigation. Campaign violations have usually taken place in secret, and have often been unravelled only by the thinnest threads of evidence. I note parenthetically that Watergate could never have been investigated based on such a lofty standard; and I do not believe

FEDERAL ELECTION COMMISSION  
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that a prima facie case can be required as a prerequisite to Commission investigation. Rather, I believe that "lack of evidence" here serves merely as a euphemism for the combination of factors described in Section I, above, and not as a statement of the standard of evidence that the Commission will require. To base closing the file in MUR-077 on lack of evidence, as is suggested, is unwarranted as a matter of both law and policy.

IV. THE COMMISSION HAS AT LEAST ARGUABLE JURISDICTION OVER THE MATTERS COMPLAINED OF

A second argument to support closing the file is advanced by Commissioner Harris in his separate statement. Regardless of the capacity of the government to be a contributor within the meaning of the Act, the value of government resources used by the President for political purposes should be treated as a campaign expenditure subject to the Act and is, I believe, conceded to be so by the White House.

Since the value of government services so provided cannot be a contribution in kind from the government to the candidate, the only appropriate remedy consistent with the purposes of the Act is reimbursement to the government by the campaign. Indeed, unless reimbursement is required, the law stands without any effective means of redress. I would not understand Commissioner Harris to assert any less. Rather, he would conclude only that such a determination must be made by the Civil Service Commission or the General Accounting Office, rather than the Commission.

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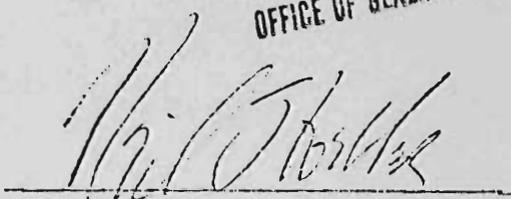
As is pointed out above, the literal language of the contribution and expenditure definitions of the Act include all things of value (including personal services) which influence the nomination of a person to Federal office. The effectiveness of limits on campaign spending in Presidential elections depends on effective limits on all monies used in connection with the campaign. Determination long after the fact by some other agency that reimbursement is required on the basis of a different statutory mandate will not preserve the integrity of those limits.

I believe that the Commission does have jurisdiction over the matters here in question and I will be prepared to vote to assert jurisdiction in appropriate cases raising similar issues.

V. CONCLUSION

The Commission has taken the correct action in closing the file in MUR-077. I believe that the purposes of the Act are not served by keeping the matter open, and I believe all my fellow Commissioners share that view. It is therefore unfortunate to explain the closing in a way which may be misleading. Accordingly, I concur in the result in MUR-077 but dissent from the explanation given in the transmittal and the General Counsel's report.

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Neil Staebler, Commissioner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
President Ford Committee )  
(Morton) )

MUR 077 (76)

COMMISSION ACTION

The Federal Election Commission has reviewed the compliants in this matter and has concluded by a vote of 5-1 that there is no reason to believe that any violation of the Federal Election Campaign Act of 1971, as amended, has been committed. The Federal Election Commission has accordingly voted, 6-0, to close the file in this matter.

Margerie W. Emmons  
Secretary to the Commission

DATE: July 26, 1976

FEDERAL ELECTION COMMISSION  
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OFFICE OF GENERAL COUNSEL

77040012600

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
President Ford Committee ) MUR 077 (76)  
(Morton) )

GENERAL COUNSEL'S REPORT

I. Allegations

During January 1976, the Federal Election Commission received three separate notarized complaints and a number of letters directed against the activities of Roger C. B. Morton in his then position as Counselor to the President. In substance, it was alleged that Mr. Morton was participating in campaign activities on behalf of the President, and that such activities constituted contributions within the meaning of the Federal Election Campaign Act of 1971, as amended (the Act). Accordingly, it was alleged that the payment of Mr. Morton's salary out of public funds actually constituted a reportable expenditure by the President Ford Committee under Title 2 of U.S.C.A., and in addition, counted against the President's spending limits set forth in 18 U.S.C. Section 608(c), now U.S.C. Section 441a(b).

II. Evidence

Other than the allegations outlined, supra, and the presentation of various news clippings providing a general description of Mr. Morton's role, none of the complainants

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delineated specific examples of Mr. Morton's use of his office on behalf of the President. On April 2, 1976, having resigned his position as counsellor, Mr. Morton was appointed National Campaign Director for the President's campaign.

III. Analysis and Recommendation

None of the complainants in this matter have furnished the Commission with evidence that the political activities of Mr. Morton have occurred during his working time as counsellor to the President. Submissions on behalf of the President support a contrary view. Absent such evidence, we find no basis for the Commission to proceed with further investigation of this matter.

2 U.S.C. §431(e)(5)(A) states that there is no contribution in a situation involving "the value of services provided without compensation by individuals who volunteer a portion . . . of their time on behalf of a candidate." The Commission has repeatedly construed this as meaning that campaign-related services provided outside the course of a normal work day are not contributions. See Proposed Regulation on Disclosure §100.4(b)(2); AO 1975-94 (41 FR 4742); OC 1975-30 (March 22, 1976). There is no basis for believing that such is not the case here.

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Relevant in this connection is the applicable language of the Hatch Act. As an employee who is "paid from the appropriation for the Office of the President," Mr. Morton is exempted by 2 U.S.C. §7324(d) from the blanket proscription of 2 U.S.C. §7324(a) on political activity by an employee of an executive agency. A reasonable construction of this exemption is that it permits an exempt employee -- e.g., Mr. Morton -- to engage in campaign-related activities in non-business hours.\*/ Although Mr. Morton would arguably have violated the Hatch Act had he aided the President's campaign during the business work day, there is no proof that he did so. It should also be noted that there is no standard definition of ordinary business work day for a person at Mr. Morton's level.

---

\*/ This construction appears to follow from the language of United Public Workers v. Mitchell, 330 U.S. 75 (1947). Discussing the absolute ban on political activity by executive employees the Court noted:

"We do not find persuasion in appellant's argument that such activities during free time are not subject to regulation even though admittedly political activities cannot be indulged in during work hours." (Id. at 330 U.S. 95) (Emphasis added.)

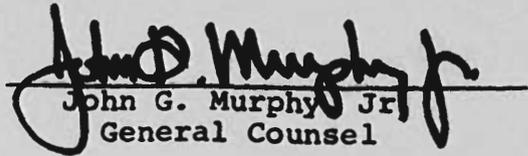
See also, Mtr. of Charles P. Demsey, LSC, F-1215-47, 1 Par. 325, holding that even though an individual Government employee was not subject to political activity restrictions because of his temporary situation, he still could not engage in political activity on the job.

FEDERAL ELECTION COMMISSION  
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We are mindful that the underlying issue herein--when and to what extent staff members to a candidate who are paid from public funds may perform campaign related tasks--presents serious problems. However, the present case, for the reasons outlined, supra, is not an appropriate vehicle for resolution of the issue posed.

IV. Conclusion

Close file.

  
John G. Murphy Jr.  
General Counsel

DATE:

July 19, 1976

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OFFICE OF GENERAL COUNSEL

RECEIVED  
FEDERAL ELECTION  
COMMISSION

# President Ford Committee

1828 L STREET, N.W., SUITE 250, WASHINGTON, D.C. 20036 (202) 457-8400

76 APR 19 P 4: 51

April 16, 1976

Michael Hershman, Esquire  
Disclosure and Compliance Section  
The Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

RE: Secretary Rogers C. B. Morton

Dear Mr. Hershman:

The following request is hereby submitted regarding the Commission's recent inquiry concerning the appointment of Rogers C. B. Morton as Counsellor to the President. The relevant facts with regard to Secretary Morton's appointment were previously set forth in Mr. Philip Buchen's Advisory Opinion Request (AOR) of January 30, 1976. We would, therefore, request that you consider the facts contained in that submission during your deliberation of this matter.

Following the February 2, 1976 appointment of Secretary Morton, two complaints were filed with the Commission pursuant to 2 U.S.C. §437g(a)(1)(A). These complaints, filed by Fred R. Harris and the Democratic National Committee (DNC), respectively, argue that Secretary Morton's duties while at the White House raise legal questions as to the propriety of governmental payments for his services. Neither the Federal election campaign laws, Commission regulations, proposed regulations, guidelines, or Advisory Opinions specifically address the questions raised in these complaints.

After a thorough review of the issues raised in the subject complaints, we submit that for the following reasons the Commission must dismiss the complaints:

I. THE COMMISSION LACKS SUBJECT MATTER JURISDICTION

Prior to any discussion of the merits of a complaint, the Commission must first determine if it has subject matter jurisdiction over the issues raised therein. We submit that no such jurisdiction exists in this case. Section 437g(a)(1)(A) of Title 2, United States Code, provides, inter alia, that "[a]ny person who believes a violation of this Act . . . has

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FEDERAL ELECTION COMMISSION  
OFFICE OF THE SECRETARY

Michael Hershman, Esquire  
April 16, 1976  
Page Two

occurred may file a complaint with the Commission." In addition, Section (a)(2) states:

"The Commission upon receiving any complaint under paragraph (1)(A) or a referral under paragraph (1)(B), or if it has reason to believe that any person has committed a violation of any such provisions, shall notify the person involved in such apparent violation and shall--

\* \* \* \*

(B) make an investigation of such apparent violation." 2 U.S.C. §437g(a)(2). (emphasis added).

In his complaint, Mr. Harris argues that payment by the White House of a salary to Secretary Morton for his services as Counsellor to the President constitutes a misuse of federally appropriated funds by the President. The complaint does not allege a violation of the Federal election campaign laws.

Similarly, the DNC complaint argues, among other things, that "[t]he description of Mr. Morton's duties raises serious legal questions as to the propriety of any governmental payments for his services."

Questions regarding the use or alleged misuse of federally appropriated funds by a candidate or his principal campaign committee do not fall within the jurisdiction of the Commission. Such issues must be presented to a forum that is statutorily empowered to address the question of federally appropriated funds. Clearly, this is not within the scope of the Federal election campaign laws and, therefore, may not be considered by the Commission.

## II. THE ISSUE IS MOOT

Secretary Morton was appointed to the White House staff on February 2, 1976, as a Counsellor to the President. On April 2, 1976, the Secretary resigned this position to become Chairman of The President Ford Committee (PFC). Since the Secretary is no longer receiving payments, generally

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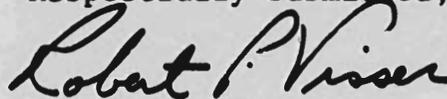
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Michael Hershman, Esquire  
April 16, 1976  
Page Three

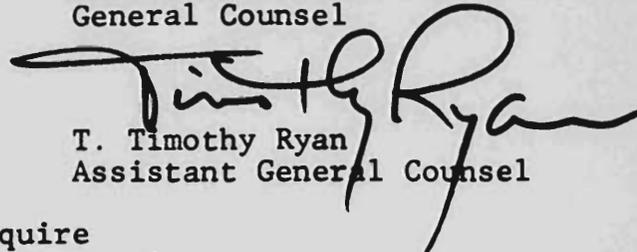
appropriated funds, the issue presented in the subject complaints is now moot. Moreover, all future payments of salary to Secretary Morton will be reported monthly by the President Ford Committee as campaign-related expenditures. The payment of salary to Secretary Morton for his services as Counsellor to the President is no longer a question which necessitates any action by the Commission. If, however, the Commission decides that this issue is ripe for determination, the Commission should issue an Advisory Opinion as soon as it has been restructured rather than continuing its investigation of the unique issues presented by the complaints.

In conclusion, it is our position that the only proper action for the Federal Election Commission to take at this juncture is to dismiss the subject complaints.

Respectfully submitted,



Robert P. Visser  
General Counsel



T. Timothy Ryan  
Assistant General Counsel

cc: Philip Buchen, Esquire  
John G. Murphy, Jr., Esquire  
Thomas B. Curtis  
Neil Staebler  
Joan Aikens  
Thomas Harris  
Vernon Thomson  
Robert Tiernan

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# President Ford Committee

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Michael Hershman, Esquire  
Disclosure and Compliance Section  
The Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

FEDERAL ELECTION COMMISSION  
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OFFICE OF COMPLIANCE

MUR 077

WASH. POST 3-31-76 p. 1

# Callaway Quits Ford Campaign; Morton Named

By Edward Walsh  
Washington Post Staff Writer

Howard H. (Bo) Callaway has resigned as President Ford's national campaign director and will be replaced Friday by Rogers C. B. Morton, a former Maryland congressman who is now a White House political adviser.

Flanked by Callaway and Morton in the White House Oval Office, the President announced the changes yesterday. He said he considers Callaway "an absolutely honest person" who will be exonerated of the charges that led first to his suspension as campaign director and now to his resignation.

Callaway submitted his resignation to the President at a White House meeting Monday night after first meeting with Richard B. Cheney, Mr. Ford's chief of staff and the main architect of efforts to sever the last remaining ties between Callaway and the Ford campaign.

Callaway, 48, a former Georgia congressman and Secretary of the Army who headed the Ford campaign since last July, was suspended as national campaign director March 13 pending the outcome of investigations into charges that he intervened with federal agencies to benefit a Colorado ski resort owned by him and his brother-in-law.



HOWARD H. (BO) CALLAWAY  
... retains President's confidence

The resort is located in Crested Butte. The allegations against Callaway center on a meeting he hosted in his Pentagon office last July 3, his last day as Secretary of the Army. At the meeting, Callaway discussed the proposed resort expansion with high officials of the U.S. Forest Service, which must approve the expansion, and its parent agency, the Agriculture Department.

See CALLAWAY, A7, Col. 1

and its reporter on the story, Jim Polk. He accused the network of uncritically accepting information from a weekly newspaper editor in the Crested Butte area "who has an ax to grind" in trying to halt growth in Colorado.

"From that point on [the NBC report], I had no defenses," he said.

In a telephone interview last night, Polk denied Callaway's assertions.

"NBC did all of its own research," he said. "NBC interviewed Mr. Callaway at length the day the story appeared and quoted him as he described the Pentagon meeting and his assessment that he had done nothing wrong."

The newspaper editor to whom Calla-

paign.

In a letter to Callaway that the White House made public yesterday, Mr. Ford, describing himself as "deeply saddened," said he was accepting the resignation "with the greatest reluctance because I am confident that the allegations raised recently will be proven groundless and because the campaign will sorely miss your tireless efforts."

Callaway said he will temporarily resume his duties as the \$42,500 national campaign director to ease the transition until Morton officially takes over Friday. He said he then plans to return to his home in Atlanta and does not plan to become active again in politics.

77040012617

March 23, 1976

Mr. R. W. Brownlee  
3964 Del Rosa Drive  
Jackson, Mississippi 39206

Dear Mr. Brownlee:

This is in response to your letter of March 16, 1976, inquiring about the status of your previous letter regarding the hiring of Rogers C. B. Norton by the President.

This matter is still under review by the Commission. We appreciate your continued concern and anticipate resolving this matter shortly.

Sincerely yours,

/s/

William Oldaker  
Assistant General Counsel  
for Litigation and Compliance

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OFFICE OF GENERAL COUNSEL

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MUR 077 (76)

RECEIVED  
FEDERAL ELECTION  
COMMISSION

R. W. BROWNLEE  
3964 DEL ROSA DRIVE  
JACKSON, MISSISSIPPI 39208

76 MAR 18 P 3: 04

March 16, 1976

Federal Election Commission  
1325 K Street N.W.  
Washington, D. C. 20463

Gentlemen:

Attention Mr. Gordon Andrew McKay

I have your letter of January 29, 1976 concerning the hiring of Mr. Rogers C. B. Merton by The WhiteHouse. I had inquired of you as to who was paying the salary of Mr. Merton. Your letter advised me that the matter was currently under review by the Commission.

I will appreciate it if you will advise me what the Commission decided about the payment of Mr. Merton's salary - whether it is to be paid by the tax-payers.

Thanking you for your attention, I am

Sincerely,

*R. W. Brownlee*  
R. W. Brownlee

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OFFICE OF GENERAL COUNSEL

77040012617

R. W. BROWNLEE

160 RIVINGTON AVENUE

3964 Del Rosa Drive

JACKSON, MISSISSIPPI 39206

39206



76 MAR 18 P12:25

Federal Election Commission  
1325 K Street NW  
Washington, D. C. 20463

Attention Mr. Gordon Andrew McKay

70400262



FEDERAL ELECTION COMMISSION

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

March 3, 1976

Mr. Frank J. Bona  
428 Porter Avenue  
Buffalo, New York 14201

Dear Mr. Bona:

This is to acknowledge receipt of your letter of January 26, 1976 concerning the hiring of Mr. Rogers C. B. Morton by the White House.

This matter is currently under review by the Commission. Thank you for calling this matter to our attention. If the Commission can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

*John G. Murphy, Jr.*  
John G. Murphy, Jr.  
General Counsel

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OFFICE OF GENERAL COUNSEL





FEDERAL ELECTION COMMISSION

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

March 3, 1976

Mr. John E. Wiebe  
P. O. Box 51  
Newton, Kansas 67114

Dear Mr. Wiebe:

This is to acknowledge receipt of your letter of January 28, 1976 concerning the hiring of Mr. Rogers C. B. Morton by the White House.

This matter is currently under review by the Commission. Thank you for calling this matter to our attention. If the Commission can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

*John G. Murphy, Jr.*  
John G. Murphy, Jr.  
General Counsel

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OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

February 23, 1976

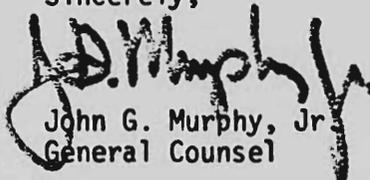
Barry Roth, Esquire  
Room 106  
Old Executive Office Building  
Washington, D. C. 20500

Re: CA-059-76

Dear Mr. Roth:

In reference to your telephone call today with Michael Hershman, enclosed please find copies of three notarized complaints against Mr. Rogers C. B. Morton.

Sincerely,

  
John G. Murphy, Jr.  
General Counsel

FEDERAL ELECTION COMMISSION  
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OFFICE OF GENERAL COUNSEL



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Subway  
#44,600<sup>00</sup>

RECEIVED  
FEDERAL ELECTION  
COMMISSION

THE WICHITA EAGLE

Thursday, January 15, 1976

13A

# Election Chief Doubts Legality Of Political Adviser to Ford

By United Press International

The chairman of the Federal Election Commission said Wednesday that President Ford is probably violating the law by having the taxpayers pay for a full-time White House political adviser.

Thomas B. Curtis, a Republican named to the commission by Ford, said that Rogers C.B. Morton, named by Ford as his political adviser, should get off the public payroll and go to work for the President's campaign committee.

"I think it's contrary to the law," Curtis said in an interview. "It's dangerous and he is treading on very thin ice with the law — it really is a question of law."

In other campaign activity, Ronald

Reagan ran into another challenge to his budget cutting proposals as he campaigned in Florida, and the Democrats denied they were thinking of pulling their convention out of New York City.

Reagan who returns to New Hampshire today, resumed his campaign for votes in the March 9 Florida primary with a series of appearances in Jacksonville.

Curtis said the law requires that all expenses made to influence an election must be reported as a campaign expense, and that would include Morton's salary. He said he could not understand the White House's attitude on Morton, since Ford has voluntarily agreed to have his campaign pay for

his travel expenses during the campaigning.

Curtis said the FEC may look into the issue independently if it is not brought to the baofy in a complaint by someone else.

Democratic National Chairman Robert Strauss said he was considering filing a complaint with the FEC over the Morton appointment. "It's disgraceful and contrary to the intent of the law," Strauss told reporters.

Curtis said he disagreed with Morton's statement that it was proper for him to handle politics for the President on the public payroll because every congressman had political advisers on his staff.

"In 18 years on the hill, I never did that," the former Missouri congressman said.



ROGERS MORTON

... Urged to resign

OFFICIAL COPY

FROM

JOHN E. WIEBE  
P O BOX 9  
NEWTON, KANSAS  
67114

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Federal Election Comm.

Washington, D.C.

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McKay

FEDERAL ELECTION COMMISSION

THE WHITE HOUSE  
WASHINGTON

73 JAN 30 A 9: 57 (HD)

January 30, 1976

F/c # 497

Dear Chairman Curtis:

As I indicated at our meeting on January 19, the purpose of this letter is to describe the assignments and responsibilities it is planned that Secretary Rogers Morton will assume when he is appointed to the White House staff on February 2 as Counsellor to the President.

Secretary Morton's responsibilities will focus on a number of separate, but occasionally overlapping, areas. These are:

1. Counsellor to the President with Cabinet rank;
2. Principal White House official for liaison with the President Ford Committee (PFC) and the Republican National Committee (RNC);
3. Member of the Economic Policy Board (EPB), and the EPB Executive Committee;
4. Member of the Energy Resources Council (ERC), and the ERC Executive Committee; and
5. Member of the Domestic Council.

As Counsellor, Secretary Morton will be one of four Cabinet-level assistants appointed by the President to provide a broad range of advice on such subjects as the President may request. In this capacity, the Secretary will be filling an advisory role that has been vacant since Donald H. Rumsfeld left his position on the White House staff to become Secretary of Defense. His activities as Counsellor will include daily meetings with the President to review current assignments and events, daily senior White House staff meetings, Cabinet

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OFFICE OF GENERAL COUNSEL

meetings, congressional leadership meetings and special projects at the personal direction of the President.

As the official at the White House chiefly responsible for liaison with the PFC, Secretary Morton will maintain communication between the White House and the campaign committee in order to minimize demands on Gerald R. Ford as candidate and thereby to protect the time which he requires for his essential duties and responsibilities as President. In addition, the Secretary will attempt to assure that campaign spokesmen for the candidate accurately reflect the President's policies and positions. As the principal liaison official at the White House for the Republican National Committee, Secretary Morton will screen and funnel requests and information for the President in his traditional capacity as leader of his Party. Only an individual in such an official position can reflect the interests of the Presidency in judging whether specific questions or requests for the President's consideration from the political committees and campaign workers actually warrant the President's attention, and how they may be disposed of without taking an undue amount of the President's time.

Secretary Morton will continue to give specific substantive input on various domestic, economic and energy matters, many of which have been the focus of his attention as Secretary of the Interior and Secretary of Commerce. As a member of the Economic Policy Board and its Executive Committee, he will participate in their daily meetings, as well as in the comment and review process on current economic issues and proposed legislation. As a member of the Energy Resources Council and its Executive Committee, he will attend weekly meetings and participate with other Administration energy leaders in the review of energy policy, existing programs and proposed legislation.

Secretary Morton will continue to serve as a member of the Domestic Council. In particular, he will participate in various Domestic Council task forces and activities relating to existing and proposed programs and legislative initiatives concerning issues such as water quality, depletable mineral reserves, individual privacy, illegal aliens and general revenue sharing.

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In the course of his official duties, Secretary Morton will review proposed Presidential speeches, statements and positions on issues, internal staffing memoranda to the President and personnel appointments. Secretary Morton will also participate in various public appearances as they relate to the President's official duties and the work of the Administration.

Apart from the aforementioned official duties, Secretary Morton plans to spend time of his own participating in campaign activities on behalf of the President. In particular, Secretary Morton will participate in PFC political strategy sessions, deliver political speeches, attend PFC fundraisers and engage in other campaign activities. Of course, any expenses incurred in relation to such campaign activities will be paid by the PFC in accordance with the Commission's proposed allocation regulations.

In describing his duties, Secretary Morton stated, on January 13, 1976:

"I think that the political duties will be a concentration of the political duties now being carried out by other members of the staff. Dick Cheney has had a running liaison communication with the campaign community -- Bo Callaway's committee. There has been a normal communication between Bob Hartmann, for example, and the National Committee.

"I think these duties would be concentrated into one shop, which I am very happy to do, and I don't think they are incidental in the sense of their importance, but I don't think they are going to be overwhelming in the sense of their consumption of time on my part.

"I am not going to get into the management of the campaign. I have not thought of that. However, I think the President has to have some vehicle through which he can communicate with the campaign and also as

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OFFICE OF THE ATTORNEY GENERAL  
UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF LEGAL COUNSEL

party leader with the National Committee. I am a very logical person, having been Chairman of the National Committee and having been involved in campaigns, to do that.

\* \* \*

"I think I am here as an overall adviser to the President. The experience I have had in the EPB -- the Economic Policy Board -- the energy field, the resource management field in Government over the last five years -- previous to that on the Ways and Means Committee of the House of Representatives -- provides me with enough background to advise the President in the overall sense, and to take a matter that he can assign to me, look at it, evaluate it and give him my best judgment on whether it is a good way to go or whether it should be a different way to go or what have you."

The question of whether to treat a portion of the salaries of assistants to public officials, such as Secretary Morton or administrative assistants to incumbent Congressmen, Senators and Governors who seek Federal elective office, as campaign expenditures does not appear to be specifically addressed in either the Federal election laws or the regulations that have been proposed to date by the Commission. If the Commission believes that such matters are affected by the laws which it administers, it would seem appropriate to have complete and permanent guidelines or regulations on the subject which apply to all candidates similarly involved.

However, inasmuch as the promulgation of such guidelines or regulations may be a lengthy and slow process, we request that the Commission issue an Advisory Opinion, pursuant to Section 437f of Title 2, the United States Code, with respect to the matters set forth herein. In particular, we request the Commission to decide whether any portion of the salaries of assistants to public officials, such as Secretary Morton, should be considered as expenditures within the meaning of 18 U.S.C. (f) or

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COUNSEL

any other provision of the Federal election laws and, therefore, must be reported for the purpose of determining that a candidate has kept within his or her expenditure limits.

As I indicated to you at our meeting, the President has directed that his campaign be conducted in full compliance with both the letter and the spirit of the election laws. Accordingly, I can assure you that the White House and the President Ford Committee will abide by such opinion as the Commission may issue in this matter. Also, if it is determined that some portion of the salary of public officials such as Secretary Morton is to be treated as an expenditure under the Federal election laws, the President Ford Committee will then reimburse the Treasury of the United States for such amount, in a manner that is consistent with applicable Federal law, including 18 U.S.C. 209.

Due to the importance of this issue, we request that the Commission expedite to the greatest extent possible this request for an Advisory Opinion.

Sincerely,

*Philip W. Buchen*

Philip W. Buchen  
Counsel to the President

The Honorable Thomas B. Curtis  
Chairman  
Federal Election Commission  
Washington, D. C. 20463

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20543

January 23, 1976

Mr. Paul H. Davis  
P. O. Box 6087  
Carmel, California 93921

Dear Mr. Davis:

This is to acknowledge receipt of your letter of January 21, 1976 concerning the hiring of Mr. Rogers C. B. Morton by the White House, and President Ford's use of White House stationery to solicit funds for the Republican campaign committee.

These matters are currently under review by the Commission. Thank you for calling these matters to our attention. If the Commission can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

*Gordon Andrew McKay*  
Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE  
OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

January 29, 1976

Mrs. W. A. Saylor  
255 W. Foothill Boulevard  
Arcadia, California 91006

Dear Mrs. Saylor:

This is to acknowledge receipt of your note of  
January 19, 1976 concerning the hiring of Mr. Rogers  
C. S. Morton by the White House.

This matter is currently under review by the  
Commission. Thank you for calling this matter to our  
attention. If the Commission can be of any assistance  
to you, please do not hesitate to contact us.

Sincerely,

*Gordon Andrew McKay*  
Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

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Office of General Counsel





FEDERAL ELECTION COMMISSION

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

January 29, 1976

Mr. R. W. Brownlee  
3964 Del Rosa Drive  
Jackson, Mississippi 39206

Dear Mr. Brownlee:

This is to acknowledge receipt of your letter of January 19, 1976 concerning the hiring of Mr. Rogers C. B. Morton by the White House.

This matter is currently under review by the Commission. Thank you for calling this matter to our attention. If the Commission can be of any assistance to you, please do not hesitate to contact us.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

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OFFICE OF THE SECRETARY

76 JAN 28 PG: 48 (HD)

January 19, 1976

The Honorable Thomas B. Curtis  
Chairman, Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20005

Dear Chairman Curtis:

On January 13, 1976, the White House announced the appointment of Rogers C.B. Morton as Counsellor to the President at an annual salary of \$44,600. At his press conference, Mr. Morton stated that he will direct White House liaison with the President Ford Committee. The description given of Mr. Morton's duties raises serious legal questions as to the propriety of any governmental payments for his services. I am attaching excerpts from the White House press conference as well as press clippings which have prompted this complaint.

Even if Mr. Morton's duties were only partly to influence the President's campaign efforts, we believe that there would be a violation of the Federal Election Campaign Act. However, Mr. Morton himself has disputed Press Secretary Ron Nessen's characterization of his political duties as "incidental" saying, "I think the President has to have some vehicle through which he can communicate with his campaign and also as party leader with the National Committee. I am a very logical person, having been Chairman of the National Committee and having been involved in campaigns, to do that."

We believe that payments of salary made to Mr. Morton are subject to the recording provisions of Title 2 U.S. Code Sections 432 (c)(3) and (c)(4). In addition, we believe that these payments to Mr. Morton are subject to the reporting requirements of Section 434 (b)(10) of the same title. Further, we assert that these payments to Mr. Morton satisfy the definition of "expenditure" as found in Title 18 U.S. Code Sections 591 (f)(1) and (f)(2) and therefore the expenditure limitations found in Section 608 (c)(1) of the same title would be applicable. Thus, the amounts paid to Mr. Morton should be aggregated with all other expenditures made by the President Ford Committee to determine their total expenditure.

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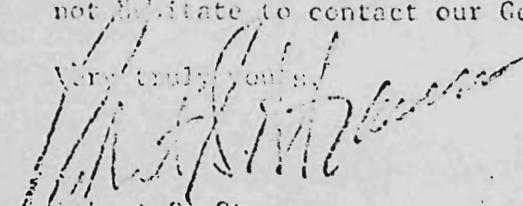
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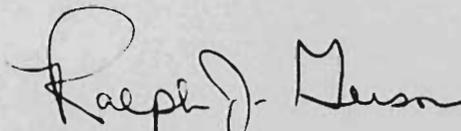
We respectfully request that the Federal Election Commission address these issues and that the Commission hold that the failure of the President Ford Committee to properly record these expenditures constitutes a violation of Title 2 U.S. Code Sections 432 (c)(3) and (c)(4) and a potential violation of Title 2 U.S. Code Section 434 (b)(10) and of Title 18 U.S. Code Section 608 (c)(1). We are asking only that the Commission pursue the intention you stated, Chairman Curtis, that all spending designed to influence the Presidential election be properly reported and charged against the ceilings imposed on all candidates.

In his State of the Union address, Mr. Ford promised that, "... in all that we do, we must be more honest with the American people." We ask the Commission to determine, in light of Mr. Morton's own statements and those of the White House spokesman, if he will not be using his government position to direct a private campaign. The Commission's primary responsibility, as we see it, is to squarely face and determine the nature of Mr. Morton's duties. The credibility of the Federal Election Commission must be maintained if the political process is going to work.

Mr. Morton joined the White House staff by their own admission, and by his, with his primary responsibilities being political. His position cannot and should not be equated with that of a typical Congressional administrative assistant whose primary year-round responsibilities are Congressional and, who, during campaign times, devotes some of his time to politics. As stated, Mr. Morton's job was created for political purposes, so advertised, and now, since questions have been raised by you and others, it has been defined to the contrary. We look to the Commission for appropriate action on our official complaint.

Should you have any questions concerning this complaint, please do not hesitate to contact our General Counsel, Sheldon S. Cohen.

  
Robert S. Strauss  
Chairman

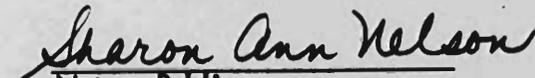
  
Ralph J. Gerson  
Counsel

RSS:sar

Subscribed and sworn to before me this 28<sup>th</sup> day of  
January, 1976.

Enclosures

cc: Honorable Thomas B. Curtis  
Honorable Neil Staebler  
Honorable Joan D. Aikens  
Honorable Thomas Harris  
Honorable Robert O. Tiernan  
Honorable Francis Valeo  
Honorable Ted Henshaw

  
Notary Public

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# Morton Is Said To Be Ready to Join Campaign

By William Chapman  
Washington Post Staff Writer

President Ford plans to name Commerce Secretary Rogers C.B. Morton as the White House assistant to coordinate his presidential campaign, informed sources said yesterday.

The announcement is expected next week. Morton would take over the political job soon after his scheduled departure from Commerce Feb. 1.

The appointment of Morton comes at a time when some party leaders are critical of the job being done by the official campaign manager, Howard H. (Bo) Callaway.

In their view, the early campaign plans have been sloppily made and reflect a lack of coordination between Mr. Ford's supporters in the country and the White House.

At the same time, Callaway, the director of the President Ford Committee, has urged appointment of a White House coordinator who could be relied on to obtain quick decisions on campaign matters.

Mr. Ford, according to aides, had sought a Republican from the middle of the road to handle the political chores in the White House, one who would alienate neither wing of the party.

Rumors that he would choose former Pennsylvania Gov. William Scranton, who is identified with the liberal wing, were denied, and Scranton said yesterday he had waged a campaign in Morton's behalf.

Morton, a former Republican national chairman, is believed to have strong support among both conservatives and liberals.

It was understood that Morton will also fill some regular government position in the White House. Assigning him non-political work would remove the stigma of having a full-time political executive on the public payroll.

Richard Cheney, the White House chief of staff, has been handling the political liaison role.

Last night, Mr. Ford gave a preview of his budget and his State of the Union message to a group of campaign aides who had been meeting this week in Washington.

According to a President Ford Committee spokesman, the President said he will propose innovative programs in education and tax proposals to help people earning between \$10,000 and \$30,000 a year.

"I will offer to a broad segment of society innovative programs from Washington and strengthened at home." Mr. Ford told the campaign committee's state chairmen. He did not elaborate.

Mr. Ford was optimistic about the campaign ahead. "If we keep our cool and keep our faith and do what is right for America, I know we can win," he was quoted as saying. And in a reference to recent public opinion polls that have shown his popularity declining, the President said: "Damn the polls—full speed ahead."

In another development, both the White House and the Labor Department yesterday denied a report that Secretary of Labor John T. Dunlop has made up his mind to resign because of the presidential veto of the common-site picketing bill.

Dunlop's aides said yesterday that he is still talking with friends in labor and management to determine whether he should stay.

At the White House, press secretary Ron Nessen said there is "no indication" that Dunlop has decided to leave the administration.

A story in The Washington Post yesterday reported that Dunlop planned to quit because he believed that President Ford's veto of the picketing bill undercut Dunlop's effectiveness.

In denying the report, his aides said a decision is expected early next week.

Mr. Ford vetoed the bill Jan. 2. He had privately assured Dunlop, a chief architect of the legislation, that he would sign it. The bill would have expanded the picketing rights of unions at construction sites.

On Thursday, in another reaction to the veto, nine labor members of a presidential advisory committee on collective bargaining resigned in protest, charging that Mr. Ford had surrendered to anti-union political forces.

Nessen said yesterday that Mr. Ford regrets their resignation and expressed appreciation for their work on the joint labor-management committee, which had attempted to improve collective bargaining arrangements in the construction industry.

Nessen said the President shared Dunlop's view that at some time the work of the advisory committee should be resumed. However, he said there are no immediate plans to replace the resigned members with other union representatives.

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The Washington Star

January 13, 1976

## New Morton Role Disputed

By Fred Barnes

Washington Star Staff Writer

Rogers C.B. Morton, who is soon to leave his job as secretary of commerce, was named today as a counsellor to President Ford. The White House insisted that his political duties will be minimal.

Instead, press secretary Ronald Nessen asserted that Morton's responsibilities will mainly be in the areas of domestic and economic policy.

Nessen's description of Morton's role in the White House conflicted sharply with what presidential aides said last week in discussing the appointment of the commerce secretary to the executive staff.

ONE WHITE House aide said the main feature of Morton's role was that he could devote full time to political matters, including coordinating the President's reelection campaign and serving as liaison with the Republican National Committee.

Moreover, the White House aide said Morton would have the specific job of determining any political problems in policy matters.

Another aide said that while Morton's duties would be primarily political, non-political duties would have to be tacked on in order to justify his government salary, \$44,600 in the new position.

Nevertheless, Nessen insisted at a White House briefing today the political duties of Morton will be "incidental" to his role in domestic and economic policy-making.

MORTON, 61, WHO is expected to begin work at the White House later this week, "will retain his membership on the Economic Policy Board, the Energy Resources Council and the Domestic Council," the press secretary said.

"He will also direct the liaison with the Republican National Committee and the President Ford Committee," Nessen said. "In addition, the secretary will be available to take on such specific assignments as the President may direct."

Morton replaces Richard Cheney, the White House chief of staff, as the contact with the election committee. He takes over for Robert Hartmann, the top

White House speechwriter, as the liaison with the GOP committee.

For several months, Ford campaign chairman Howard Callaway and other political associates of the President have been urging the appointment of a political counsellor at the White House. Nessen said today that Callaway had recommended Morton for the job.

NESSEN ALSO said that Morton's health was fine. Morton has been treated in recent years for cancer, and the announced reason for his resignation as commerce secretary was questionable health.

Morton plans to bring to the White House one aide, Roy Hughes, who served as assistant secretary of the interior while Morton was interior secretary from 1971 until last May.

According to White House officials, Morton was chosen over former Pennsylvania Gov. William Scranton for the counsellor's post. Morton was said to be more acceptable to Republican conservatives, many of whom were thought to dislike Scranton because of his alleged liberal tendencies.

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The New York Times

January 14, 1976

## Ford Appoints Morton to Assist In Policy Matters and Campaign

By JAMES M. NAUGHTON

Special to The New York Times

WASHINGTON, Jan. 13 — President Ford named Rogers C.B. Morton today to serve as a White House counselor, but the President's spokesman said that Mr. Morton would give only "incidental" attention to the 1976 election campaign.

Ron Nessen, the White House press secretary, announced that Mr. Morton, the departing Secretary of Commerce, would join the President's personal staff as a Cabinet-rank adviser on economic and domestic policy matters. He said that the post would entail only "incidental duties of liaison with the President Ford Committee and the Republican National Committee."

Published reports last week said that Mr. Ford had persuaded a reluctant Mr. Morton to become the White House overseer of the President's candidacy for a full term.

Mr. Nessen said today that Mr. Morton, "if asked, will certainly give the President political advice" but that his duties would center more broadly on counseling Mr. Ford on domestic and economic issues.

Mr. Morton told reporters later that he would not choose the word "incidental" to describe his political contacts but that they would "take no overwhelming, major part" of his time.

"If I see the campaign going in the wrong direction," Mr. Morton said, "I won't bury my head in the sand."

Following White House criticism of the conduct of the President Ford Committee under its chairman, Howard H. Callaway, and Mr. Callaway's complaints that the campaign was not given a sufficiently high priority in the White House, Mr. Ford told reporters he was considering naming "somebody of stature" as liaison with the campaign organization.

Mr. Morton, 61 years old, has held two Cabinet posts and is a former member of Congress and former chairman of the Republican National Committee.

Well-placed aides in the

White House and Ford campaign said last week that Mr. Morton would supply the President's candidacy with an element it had lacked—full and authoritative attention to politics in the White House.

By designating Mr. Morton a counselor, with undefined duties, the President will be able to pay him a \$44,600 annual salary from taxpayer funds. Mr. Nessen noted that the salary would be \$18,400 less than Mr. Morton earned as Commerce Secretary.

Although Presidents have customarily had aides who devoted substantial time and attention to the chief executive's political fortunes, Mr. Nessen appeared reluctant to say that Mr. Morton would fill such a role for Mr. Ford.

He said Mr. Morton would serve only as a "point of contact" with the campaign and party organizations, relieving Richard B. Cheney, the White House chief of staff, and Robert T. Hartmann, another counselor, of the chore.

Mr. Nessen smiled, but did not agree, when a reporter asked if he had "anticipated a measure of disbelief" in making the announcement.

A senior White House official said later that Mr. Nessen and the press corps had each indulged in some "feigned naivete" in discussing the matter. "Every President has a political operative," the official said.

### Ford Names Byington

WASHINGTON, Jan. 13 (UPI) — Mr. Ford today named S. John Byington, as the next chairman of the Consumer Product Safety Commission.

Mr. Byington, 38, is a lawyer and pharmacist who is from Mr. Ford's hometown, Grand Rapids, Mich., and is deputy to the President's consumer adviser, Virginia Knauer.

His nomination, subject to Senate confirmation, has drawn opposition from the Consumer Federation of America, which said Mr. Byington "has mouthed the Administration viewpoint on every consumer issue."

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# Ford Aide

The Washington Post

January 14, 1976

By William Chapman

Washington Post Staff Writer

The White House attempted to minimize yesterday the political role that Rogers C. B. Morton will play when he joins President Ford's staff as counselor later this month.

In formally announcing Morton's appointment yesterday, press secretary Ron Nessen said that Morton's political liaison activities will be "incidental" to his main role as domestic and economic adviser.

Morton, the outgoing Secretary of Commerce, will have the title of counselor to the President with Cabinet rank and, according to Nessen, will concentrate on domestic and economic policy tasks.

On the other hand, Morton will be Mr. Ford's liaison with the President Ford Committee and the Republican National Committee, it was announced.

Nessen said it was not yet clear how Morton would divide his time between the political and public service roles, but insisted that politics would be his secondary assignment.

By playing down the political role, the White House hoped to avoid criticism that it was putting a \$44,600-a-year political aide on the public payroll at the beginning of the election year.

Asked later why a political aide should be paid from public funds, Morton told reporters: "You can't separate government from politics." Presidential assistants, he said, should not be so "sterilized" that they cannot offer political advice from time to time.

Nessen also sought to avoid the appearance of Morton becoming Mr. Ford's political czar who would overshadow the formal campaign manager, Howard H. (Bo) Callaway.

Callaway is considered in some Republican circles to be too inexperienced to direct a presidential campaign, and there has been speculation that Mr. Ford wanted a more knowledgeable figure in actual command of his election activities.

Nessen said yesterday that Callaway has the President's "full confidence and support" as campaign manager. "The President thinks he is doing a good job," Nessen said.

Asked how the White House could justify paying full salary to an aide some of whose duties will be political, Nessen said Morton's "main duties" will be in the economic and domestic fields.

If there were any legal question about the dual role, Nessen said, the White House would abide by "the spirit and the letter" of the new federal election law.

Nessen observed that there is "no clean, sharp line" in the White House between official and political duties and he pointed out that the aides of representatives, senators and governors are in much the same position as Morton.

A spokesman for the Federal Election Commission said there are no specific regulations governing the activities of quasi-political aides. "Anytime anyone wants to bring information on

that to the commission, it will be reviewed, like any other possible violation," the spokesman said.

Federal law generally prohibits expending public funds for political purposes. However, it is common practice for aides to federal office-holders to spend part of their time—often, most of their time—on politics in an election year.

All recent presidents have had aides who specialized in politics. Morton's appointment is unusual in that it comes at the beginning of an election year.

Morton, 61, is a former congressman and former chairman of the Republican National Committee who has many admirers in all factions of the party. He also has been secretary of both Commerce and Interior and serves on the Economic Policy Board, the Energy Resources Council and the Domestic Council.

In an impromptu news conference, Morton defended his drawing a White House salary while engaged in a partially political role as being "part of the American

system." He said there is hardly a Senate or House staff aide who does not get involved in his boss's election campaigns.

Asked why his salary should not be paid from President Ford Committee funds, Morton said that would involve "more of a conflict of interest." It would be improper, he explained, for a presidential adviser to be paid out of "external" funds, such as campaign contributions.

Morton said he would be an "overall adviser" to Mr. Ford, giving advice on many subjects besides politics. Recalling their past congressional service, he said: "I'm very easy for him (Mr. Ford) to talk to." He confirmed that he will be making a number of speeches and fund-raising appearances for the President.

Rejecting suspicions he may clash with Callaway, Morton described himself as "one of Callaway's fans." He said the campaign director may have made some mistakes, but on the whole Mr. Ford's campaign is the "best organized" of any candidate's.

United Press International

Morton: the Ford campaign is the "best organized"

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
OFFICE OF FEDERAL REGISTER

DEMOCRATIC

NATIONAL COMMITTEE

1625 Massachusetts Ave., N.W.

Washington, D.C. 20036

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OFFICE OF GENERAL COUNSEL

Mr. Gordon Andrew McKay  
Assistant Staff Director for Disclosure and  
Compliance  
Federal Election Commission

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COMMISSION  
**FRED HARRIS**  
**FOR PRESIDENT '76**

76 JAN 28 P 2: 20  
January 14, 1976

Thomas Curtis  
Chairman, Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Chairman Curtis:

I believe that there ought to be a full investigation and full disclosure concerning mixed White House and political duties of Mr. Rogers Morton. If, as his own comments indicate, his primary duties are to help President Ford's campaign for re-election, he should not be receiving \$46,000 a year as a Cabinet-ranked White House official. The new campaign financing law, overwhelmingly supported in America, provides federal matching funds in the primary and full federal financing in the general election, as you are aware. It is, therefore, particularly objectionable for President Ford to provide a campaign aide with a White House salary, as it appears he has done.

Rogers Morton, former chairman of the Republican National Committee, is quoted by the Washington Post as "defending his drawing of a White House salary while engaged in a partially political role as being 'part of the American system.'"

Because of the new campaign financing law, for the first time in my lifetime we have a chance to put into practice the "one person one vote" principle.

In the past, some people have had more than one vote because they had the money -- and money translated into political power. With the new campaign financing law, people had a right to believe that average citizens had a chance to cut the super-rich and the giant corporations down to size. But if an incumbent President can use the federal payroll to help finance his re-election campaign, the people are still at a disadvantage in the election of a President.

This letter and the telegram that preceded it constitute a formal complaint to the Federal Election Commission. I hope you will get to the bottom of this matter at once and make your findings and response public.

Sincerely yours,



Fred R. Harris

Subscribed before me this 22nd day of January, 1976.

My Commission Expires August 31, 1978

Sheryl E. Fitzpatrick  
Notary Public

HARRIS FOR PRESIDENT ☆ 1412 K STREET N.W. ☆ WASHINGTON, D.C. 20005 ☆ 202/737-7000

77040011643

**FRED HARRIS**  
**FOR PRESIDENT '76**

76 JAN 28 P 2: 20

January 16, 1976

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Dear Mr. McKay:

The enclosed is in response to your letter of January 15, 1976, requesting that a notarized copy of the January 14, 1976 letter to Thomas Curtis from Fred R. Harris be filed with your office.

Sincerely yours,

*Maureen Traber*

Maureen Traber  
Administrative Assistant

Encl.

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
WASHINGTON, D.C.

HARRIS FOR PRESIDENT ☆ 1412 K STREET N.W. ☆ WASHINGTON, D.C. 20005 ☆ 202/737-7000

77040012643

**FRED HARRIS**  
**FOR PRESIDENT '76**

FEDERAL ELECTION  
COMMISSION



ALWAYS USE ZIP CODE

HARRIS FOR PRESIDENT '76

1412 K STREET, N.W.  
WASHINGTON, D. C. 20005  
202/737-7000

76 JAN 28 P 2: 00

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance  
Federal Election Commission  
1325 K Street, N.W.  
Washington, DC 20463

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RECEIVED  
FEDERAL ELECTION  
COMMISSION  
FRANK J. BONA

ATTORNEY AND COUNSELOR AT LAW

427 PORTER AVE.  
BUFFALO, NEW YORK 14201  
683-8296  
JAN 26 2:16

January 26, 1976

Federal Election Commission  
1325 K Street NW  
Washington DC 20463

Gentlemen:

As you may know, my name has been submitted and officially approved as a candidate for the Democratic Party in the State of New Hampshire for the Office of President of the United States. My name will be entered in several other state Presidential Primaries.

As an announced, active candidate for the Presidency of the United States, I take this means of registering my formal objection to the appointment of the Honorable Roger B. Morton as domestic advisor for President Gerald Ford and at the same time Mr. Morton's designation as active participant for the conduct or supervision of the President's campaign for reelection.

If not in fact, there surely is an appearance of a possible conflict of interest and of Mr. Morton's responsibility as a Federal employee in the service of the President of the United States and as an active participant in the campaign of the President for reelection.

Very truly yours,



Frank J. Bona

FJB:am

cc: Mr. Robert Strauss  
Chairman  
Democratic National Committee

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

77040012645

# Detailed Listing Due Of Morton Activities

President Ford's top lawyer has promised the Federal Election Commission a detailed breakdown of Rogers C.B. Morton's activities as a White House adviser, in order to help the FEC decide if Morton should be allowed to remain on the federal payroll.

FEC Chairman Thomas B. Curtis said after meeting with White House counsel Philip W. Buchen yesterday that "I think the White House understands why the commission is concerned" about whether the taxpayers or the President's campaign committee pays Morton's salary.

MORTON, formerly commerce secretary, will become an adviser to the President for domestic and economic affairs Feb. 1, the White House announced last week. He will also serve, a spokesman said, as a liaison between Ford and his election campaign organization and the Republican National Committee, but those duties would be "incidental" to his other work.

Curtis had said he shared the view of congressional critics that Morton's salary should be paid by the campaign committee instead of the taxpayers.

THE ISSUE was not fully resolved yesterday, Curtis said, but "they said they wanted to comply not only with the letter but with the spirit of the law, and that made me feel better."

He said Buchen's report on Morton's role in the White House would be made public when it is received.

FOLLOWING his 75-minute session with Buchen, Curtis said he would not object to keeping Morton on the federal payroll if Morton did most of his political work on his own time. He said Buchen agreed "that's a possibility" but that no final decisions were made.

At issue are provisions of the 1974 campaign spending reform law, which requires thorough reporting and disclosure of political financing. The FEC was set up to enforce the law.

77040012645

FEDERAL ELECTION COMMISSION  
CENTRAL FILE ROOM  
WASHINGTON, D.C.

IT NOW SEEMS, as a result of the discussions between Federal Election Commission Chairman Thomas B. Curtis and White House Counsel Philip W. Buchen concerning Rogers C. B. Morton's new job, that if Mr. Morton wants to run over Charles Colson's grandmother, he is going to have to do it on his own time. Or as a "volunteer." Or after he has put in 40 desk-hours each week (presumably excluding water-cooler time) on "non-political" White House business. Or something.

The issue, you will recall, arose when Mr. Morton, who has been Secretary of Commerce, was named a White House counselor by Mr. Ford, with heavy counseling duties on the political front. We call it an "issue" although "issue" is a pretty classy way of describing the turmoil that ensued when Mr. Morton's \$44,600 job was announced: you could have cut the cynicism with an axe. The White House, with its infinite sensitivity, led the way—first letting it be known all over town that it was trying to get the storied politician, Mr. Morton, into a prominent position in the President's campaign, and then blandly announcing that he was coming to the White House to help with domestic and economic policy-making and "incidentally" with politics. But even this was as nothing to the response. Congressmen whose own staff assistants put in enormous amounts of time on campaign matters were "shocked." Fearless journalists demanded to know how the administration could dream of justifying a public salary for a man who would spend a great part of his time doing political business—as if there had been no Attorney General Robert Kennedy or Attorney General John Mitchell, no Kenneth O'Donnell or Marvin Watson or H. R. Haldeman and, generally speaking, no post-masters general at all. For a while it looked to us as if the thing might have to go to the United Nations. But a tentative solution has now been reached (not unlike the sort of thing the U.N. would have thought of) and Mr. Morton is to promote the candidacy of Gerald Ford apart, somehow, from his "regular" White House work.

We will go just this far in joining the cluck-ciuck chorus: we think that if there is some provision of the national election law which was offended by Mr. Morton's original appointment, it is well that even this transparent and flimsy arrangement about his work schedule has been made to keep the White House right with the law. And we also think that deep down it was tacky of the President to make so bald a political appointment to the White House in the first place, given everyone's high hopes these days that the nation's politics, in the aftermath of the past few years' disclosures, will be just a little cleaner and brighter.

But when you have said that, you have, in our view, pretty much exhausted the possibilities for serious criticism, let alone for "shock" and "outrage." Mr. Morton is right in observing that politics and government do not separate so easily. The State of the Union Address, after all, is political. So are the SALT talks and the energy deliberations and the domestic messages and just about everything else a President (or a legislator) is involved in: these things are, in one degree or another, related to popular will and popular approval and the kind of success in government that points to reelection to office.

Charles Colson's famous memorandum suggesting that every act of the Nixon White House be bent toward the reelection of Mr. Nixon, like John Dean's famous notations on how the government should be manipulated to serve Mr. Nixon's political ends, tells us all we ever need to know about the ways in which government can in fact be put to improperly political purposes. That always was, and remains, the danger—the systematic perversion of government itself for the sake of narrow personal or partisan political gain. In Mr. Ford's administration, as in all those of his predecessors, that is what is worth watching for—and it can go on with or without the services of an acknowledged political counselor in the White House.

STRAUSS PROTESTS  
NEW MORTON ROLE

New York Times  
1-23-76

Wants His Salary Treated as  
Ford Election Expense

By WARREN WEAVER Jr.  
Special to The New York Times

WASHINGTON, Jan. 22 — Robert S. Strauss, the Democratic National Chairman, called on the Federal Election Commission today to threat Rogers C. B. Morton's White House salary as an expense of President Ford's election campaign. In a letter to Thomas B. Curtis, the commission chairman, Mr. Strauss said that there were "serious legal questions as to the propriety of any governmental payments" to Mr. Morton in return for advising the President on how to defeat Ronald Reagan in the Republican primaries.

The Democratic chairman said that the Ford campaign committee should record the extent of Mr. Morton's political activity, report it to the commission as a campaign expense and reduce the President's over-all campaign spending limit accordingly.

The White House said two days ago that Philip W. Buchen, counsel to the President, was drafting a letter to the commission, telling how much time Mr. Morton intended to spend on "electioneering" as against his governmental duties. The letter has not yet been received.

In past national elections, conducted with no limits on the amount of money that candidates could spend, challengers often complained that incumbent Presidents' staffs gave the Presidents advantage, but there was no legal forum in which they could challenge the practice.

Common Cause, the self-styled citizens' lobby, has also been critical of Mr. Morton's appointment, but has gone further to argue that putting a political adviser on the Government's payroll is "illegal" in itself, independent of any possible violation of the new campaign law.

Fred Wertheimer, vice president of the group, cited a section of the United States Code requiring that all appropriations "in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

"The funds appropriated for the staffing of the office of the President were in no way intended to be used to finance

partisan political campaigns," Mr. Wertheimer said.

Mr. Strauss argued today that Mr. Morton's position "cannot and should not be equated with that of a typical Congressional administrative assistant

whose primary year-round responsibilities are Congressional and who, during campaign times, devotes some of his time to politics."

REMEMBER THE NEEDLES!

Washington Post 1-23-76

Morton's Job

The Democratic National Committee filed a formal complaint with the Federal Election Commission yesterday objecting to the paying of Rogers C. B. Morton as a White House aide when he will be performing political duties for Mr. Ford.

Morton, who will receive an annual salary of \$44,600, will have the title of presidential counselor.

The Democrats asked the commission to rule that failure to report Morton's salary and expenses as campaign expenditures would be a violation of federal election law.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

# Sanford Expected to Quit

By David S. Broder

Washington Post Staff Writer

Former North Carolina Gov. Terry Sanford is expected to announce his withdrawal from the Democratic presidential race today.

Sanford has scheduled a press conference at Duke University in Durham, N.C., to make "an important announcement."

A number of sources close to his campaign predicted that Sanford, who went on sabbatical from the Duke presidency earlier this month, would announce that he is the first of the 11 declared Democratic presidential candidates to pull out of the race.

But Sanford refused to comment on the reports and said, "I'm not 100 per cent

sure of what I'm going to say."

Several sources close to Sanford told The Washington Post, however, that Sanford would close his candidacy and return to his university administration post.

The former governor has been a declared candidate since May, but his campaign has developed little substance in New Hampshire or Massachusetts, where he is entered in the first two primaries.

The chief effect of his departure would be felt in the North Carolina primary March 23, where Sanford has been expected to pose a major challenge to Alabama Gov. George C. Wallace. Wallace defeated Sanford in North Carolina in 1972, ending a

brief, late presidential bid by Sanford.

With Sanford out, the way would be clear for former Georgia Gov. Jimmy Carter, Sen. Henry M. Jackson of Washington and Sen. Lloyd M. Bentsen Jr. of Texas to expand their efforts to beat Wallace in the primary. Carter has launched a campaign in North Carolina and Jackson and Bentsen are expected to move in if Sanford officially withdraws.

Sanford, who won considerable national renown as a "New South" moderate in his term as governor from 1960-64, has remained active in national Democratic Party affairs since assuming the Duke presidency.

See SANFORD, A16, Col. 1

## SANFORD, From A1

He launched his campaign last year with a direct challenge to Wallace and joined the crowded Democratic field at the candidate forums around the country—espousing an economic policy that called for lower interest rates and a boost in government and private employment.

But with university duties limiting his campaign time, he was lagging in organization and public recognition in New Hampshire and Massachusetts—two early primaries where he hoped to establish the "seriousness" of his national aspirations in the eyes of his North Carolina constituents.

Then, according to Sanford's plan, he could successfully challenge Wallace in North Carolina and, by reversing his 1972 defeat, establish himself nationally as a real contender for the nomination.

The Sanford campaign reported raising \$327,283 in 1975 and has received \$244,069 in federal matching funds since Jan. 1. Sources close to the campaign said they expected most of the money has been expended, since many staff members went without salaries late in 1975 and received their back pay from the matching accounts.

The Federal Election Commission yesterday discussed but did not resolve the question of whether Sanford should be given \$2,500 of matching money he has requested and is legally entitled to, but has not been paid.

Sanford was hospitalized 10 days ago with chest pains in Salem, Mass., but was reportedly given a clean bill of health by doctors who ran two days of tests at Duke University Hospital.

But he has spent the past several days "reassessing" his campaign with staff aides and personal friends; reports of his pending withdrawal began to circulate Wednesday.

One friend said the 58-year-old former governor had decided to return to the university and expand his activities "in other fields of public affairs" rather than continue his presidential bid.

Sanford has written a book on federal-state relations and is regarded as a leader in the drive for greater funding for education at all levels.

CAMPAIGN CASH runs short for presidential candidates, forcing cutbacks.

"We know that more needs to be done, but the money isn't there," laments Shriver campaign manager Richard Murphy. Candidates are making do without periodic polls, big speech-writing and field staffs, costly advertising. Bayh manager James Friedman says he checks state situations now by phone instead of dispatching an emissary by plane.

Hard-up campaigners rely increasingly on volunteer help, free news coverage. The new legal limits on individual contributions restrict the candidates' dollar take. But many potential givers hold back anyway, disillusioned about politics, unexcited about current issues or confused by the Democratic free-for-all.

Some managers say their current economy measures are long overdue. "We used to figure out what needed to be done and then do 50% or 100% above that," one veteran says.

New York Times  
1-23-76

## Sanford Expected to Announce Withdrawal From Race Today

By WAYNE KING

Special to The New York Times

NASHVILLE, Jan. 22—Terry Sanford, the former Governor of North Carolina, has called a news conference for 1 P.M. tomorrow at which he is expected to withdraw formally as a candidate for the Democratic nomination for President.

Mr. Sanford, the president of Duke University, has decided to remove himself from the race in recognition of "political reality," according to a source close to his campaign.

Campaign spokesmen, however, continued today to decline to confirm that Mr. Sanford indeed intended to withdraw.

The official position continued to be that he and his advisers were "reassessing" his candidacy following his hospitalization for observation after he suffered chest pains while campaigning in New Hampshire and Massachusetts.

It was announced that Mr. Sanford had not suffered a heart attack, and he is not expected to specify health as the ground for his withdrawal.

However, the hospital stay and its attendant publicity were generally regarded among political observers as having damaged Mr. Sanford's campaign before it had begun to have a real effect.

He had been campaigning full time for only three weeks,

although he announced his candidacy last May 29.

He was the first of the Democratic candidates to attack Gov. George C. Wallace of Alabama. He said that he and Mr. Wallace would "shoot it out" in a North Carolina primary. His withdrawal leaves the Alabama Governor and Jimmy Carter, former Governor of Georgia, as the only antagonists in that primary.

Mr. Carter entered the North Carolina contest a few weeks ago with the announcement that he did not believe Mr. Sanford had sufficient strength to defeat Mr. Wallace there.

The two candidates, Mr. Sanford and Mr. Wallace, had met each other before, in a 1972 Democratic primary in North Carolina. Governor Wallace defeated Mr. Sanford with just over 50 percent of the vote, as against 35 percent for Mr. Sanford, who then withdrew from the race.

As Governor of North Carolina from 1961 to 1965, Mr. Sanford gained a national reputation as an effective spokesman for racial equality and progress in education. It is not known if he will lend his support to another candidate.

He will be on sabbatical leave from Duke until the end of the year.

Wall Street  
Journal  
1-23-76

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 26 1976: 55

Hon. Thos. B. Curtis:

Sir:

I hope the Commission will decide against the tax payers having to pay the salary of Secretary Morton when he takes the position of White House Advisor. I believe his entire time will be devoted to electing Gerald Ford as President.

I enclose copy of my letter of January 19, to Secretary Morton, with enclosure.

Sincerely,

R. W. Brownlee

Encls,

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040012649

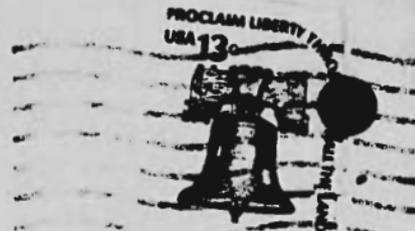
FRANK J. BONA

ATTORNEY AND COUNSELOR AT LAW

428 PORTER AVENUE

BUFFALO, NEW YORK 14201

RECEIVED  
FEDERAL ELECTION  
COMMISSION



76 JAN 28 P12:14

Federal Election Commission  
1325 K Street NW  
Washington DC 20463

7704301265

RECEIVED  
FEDERAL ELECTION  
COMMISSION

R. W. BROWNLEE  
3864 DEL ROSA DRIVE  
JACKSON, MISSISSIPPI 39206

January 19, 1976

Hon. Rogers C. B. Morton  
Secretary of Commerce  
Washington, D. C.

Sir:

I enclose an Associated Press clipping stating that you had written letters to seven members of President Ford's Cabinet asking them to go on fund raising missions for President Ford's campaign.

If this report is true, and the AP is usually reliable, do you not think this was a dishonest act on your part? Each of these Cabinet members is drawing something like \$50,000.00 or \$60,000.00 yearly of the tax payers money to perform their various duties. They are not being paid to try to elect a lame duck president. (This also applies to you) Never mind who pays their expenses on these trips. I am referring to their salaries. I am a tax payer and I know that I and millions of other tax payers are sick and tired of Washington politicians and bureaucrats stealing their money, which is what your action amounts to, if the enclosed article is true. And don't give me anyexcuse that it has been done before.

I am sending a copy of this letter and of the enclosed clipping via certified mail to Ron Nessen, for his attention; also a copy to three Congressmen, Senator John C. Stennis, Senator Henry Jackson and Congressman Thad Cochran of Mississippi.

If you cannot answer this letter, then forget it. I am not interested in hearing from one of your subordinates.

Yours very truly,

*R. W. Brownlee*  
R. W. Brownlee

Copy: Senator John C. Stennis  
Senator Henry Jackson  
Ron Nessen  
Congressman Thad Cochran

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040012551

# Ford Cabinet Members Ask For Support

WASHINGTON (AP) — Secretary of Commerce Rogers C. B. Morton has asked seven Cabinet colleagues to go on fundraising missions for President Ford's campaign — but one of them has raised objections on grounds it might involve a conflict of interest.

Morton made the request early this month, exempting three members of the Ford Cabinet on grounds their positions should be nonpartisan. His letters, seeking seven fundraising appearances apiece, went to all Cabinet members except the secretaries of state and defense and the attorney general.

William Radigan, a spokesman for the vacationing Morton, said the letter asked each Cabinet member to agree to make the seven appearances by the end of February at fund-raising events for the President Ford Committee, Ford's 1976 campaign organization.

The committee, which has taken in about \$1.3 million since last June, has had its financial problems, although officials there now say that contributions are increasing.

The Morton spokesman said all but one of the Cabinet members from whom the secretary sought campaign help had agreed to give it.

The objection came from Secretary of Housing and Urban Development Carla A. Hills. An aide to Mrs. Hills said she was seeking legal advice on the grounds that a campaign fund-raising mission could involve her in a conflict of interest.

She said her concern was that her department has officials who are business owners and others with whom her department has official business could be participants at fund-raising events at which she might appear.

"For her to muscle anybody could raise a conflict of interest," the spokesman said. "That is her concern, and she would rather err on the conservative side."

Radigan said Morton proposed appearances from speaker's platforms as opposed to the kind of fund-raising in which Cabinet officers would go directly to potential donors to ask personally for campaign contributions.

OFFICIAL FILE  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE  
COMMUNIST CONTROL

77040012652

R. W. BROWNLEE

160 CIVILEY AVENUE - 3964 Del Rosa Drive  
JACKSON, MISSISSIPPI 39208 39206

MISSISSIPPI



23 JAN 76 P 4: 43

Hon. Thomas B. Curtis,  
Chairman of Federal Election Commission  
1325 K Street, NW  
Washington, D. C. 20005

7040010865

PAUL H. DAVIS  
P.O. BOX 8087  
CARMEL, CA. 93921  
(408) 624-0885

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 26 P 3: 15

January 21, 1976

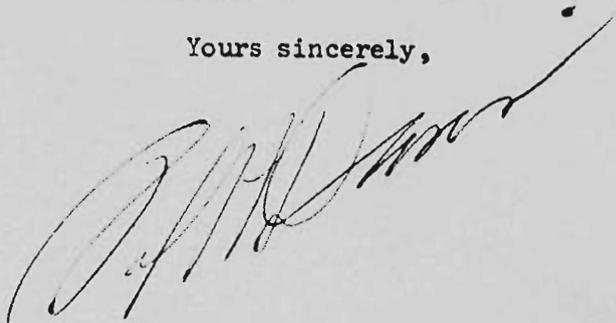
Federal Election Commission  
1325 K Street N.W.  
Washington, D.C.

Gentlemen:

In addition to your investigation of who should pay the salary of Mr. Rogers Morton, may I suggest that you investigate President Ford's using White House stationery to solicit funds for the Republican campaign committee.

I received such a letter and was disappointed in what appeared to me to be highly unethical procedure. My action was to send a check to Mr. Reagan's campaign.

Yours sincerely,



77040011651

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
JAN 26 1976

PAUL H. DAVIS

P.O. BOX 6087

CARMEL, CA. 93921

7704 RECORD 265  
FEDERAL ELECTION  
COMMISSION

76 JAN 25 P10:52

OFFICE OF FEDERAL COUNSEL  
FEDERAL ELECTION COMMISSION  
COPY



Federal Election Commission  
1325 K Street N.W.  
Washington, D.C.



FEDERAL ELECTION COMMISSION

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

January 22, 1976

Mr. D. S. McLellan  
611 South Main Street  
Oxford, Ohio 45056

Dear Mr. McLellan:

This will acknowledge receipt of your January 15, 1976 letter concerning the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012655



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

January 22, 1976

Mr. Robert S. Strauss, Chairman  
Democratic National Committee  
1625 Massachusetts Avenue, N. W.  
Washington, D. C. 20036

Dear Mr. Strauss:

This will acknowledge receipt of your complaint filed under Section 437(g) of the Federal Election Campaign Act, as amended, concerning the employment by the White House of Mr. Rogers C. B. Morton.

While this office has the matter under review, your complaint cannot be considered as duly filed until it has been notarized in accordance with the Federal Election Commission Interim Complaint Procedure Guideline (Notice 1975-9, copy enclosed).

Should you wish to refile a notarized copy of your letter, please be so kind as to address your correspondence to me at:

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

Enclosure



FEDERAL ELECTION COMMISSION  
OFFICIAL COPY  
JAN 23 1976

7704001:657

CA-059-76



FEDERAL ELECTION COMMISSION

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

January 21, 1976

Ms. Arlene M. Boelter  
2812 2nd Avenue, North  
Billings, Montana 59101

Dear Ms. Boelter:

This will acknowledge receipt of your January 17, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012658



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

January 21, 1976

Ms. Carolyn C. Ball  
826 St. Stephens Road  
Alexandria, Virginia 22304

Dear Ms. Ball:

This will acknowledge receipt of your January 14, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012657



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

LA-059-76



FEDERAL ELECTION COMMISSION

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

January 21, 1976

Ms. Jessie W. McKee  
1308 Otter Lane  
Oregon City, Oregon 97045

Dear Ms. McKee:

This will acknowledge receipt of your January 16, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012660

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
GENERAL COUNSEL





FEDERAL ELECTION COMMISSION

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

CA-059-76

January 21, 1976

Mr. Irwin L. Paull  
6511 Bracken Ridge Avenue  
Cincinnati, Ohio 45213

Dear Mr. Paull:

This will acknowledge receipt of your complaint filed under Section 437(g) of the Federal Election Campaign Act, as amended, concerning Mr. Rogers C. B. Morton who was placed on the White House payroll. This office is currently reviewing this complaint to determine whether violations of the law have occurred.

In keeping with the provisions of the Act, the complaint will not be made available for public inspection, and no announcements will be made by this office respecting the status of any investigation which might ensue.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012661



RECEIVED  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463  
JAN 23 1976



FEDERAL ELECTION COMMISSION

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

January 21, 1976

Mr. Joseph G. Poley, Sr.  
125 Shisker Avenue  
Aldan, Pennsylvania 19018

Dear Mr. Poley:

This will acknowledge receipt of your January 16, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012662



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
CITIZENSHIP COUNCIL



FEDERAL ELECTION COMMISSION

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

January 21, 1976

William H. and Ruth A. Wenneman  
Blueberry Hill  
Longnook Road  
Truro, Mass 02666

Dear Mr. and Ms. Wenneman:

This will acknowledge receipt of your January 16, 1976 letter concerning the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012663



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE 6071  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

A-059-76

January 21, 1976

Glen W. & Barbara M. Smith  
2873 Lewiston Road  
Niagara Falls, New York 14305

Dear Mr. and Ms. Smith:

This will acknowledge receipt of your January 15, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012664



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

QA-059-76

January 21, 1976

Mr. Jim Manning  
914 Magu Street  
Elmira, New York 14901

Dear Mr. Manning:

This will acknowledge receipt of your January 14, 1976 letter protesting the employment by the White House of Mr. Rogers C. B. Morton.

This matter is currently under review by our office. Thank you for your interest in this matter.

Sincerely,  
*Gordon Andrew McKay*  
Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

77040012665

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



DEMOCRATIC  
NATIONAL COMMITTEE

1625 Massachusetts Ave., N.W. Washington, D.C. 20036 (202) 797-5900

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 21 P 4: 41

Robert S. Straus  
Chairman

January 19, 1976

The Honorable Thomas B. Curtis  
Chairman, Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20005

Dear Chairman Curtis:

On January 13, 1976, the White House announced the appointment of Rogers C.B. Morton as Counsellor to the President at an annual salary of \$44,600. At his press conference, Mr. Morton stated that he will direct White House liaison with the President Ford Committee. The description given of Mr. Morton's duties raises serious legal questions as to the propriety of any governmental payments for his services. I am attaching excerpts from the White House press conference as well as press clippings which have prompted this complaint.

Even if Mr. Morton's duties were only partly to influence the President's campaign efforts, we believe that there would be a violation of the Federal Election Campaign Act. However, Mr. Morton himself has disputed Press Secretary Ron Nessen's characterization of his political duties as "incidental" saying, "I think the President has to have some vehicle through which he can communicate with his campaign and also as party leader with the National Committee. I am a very logical person, having been Chairman of the National Committee and having been involved in campaigns, to do that."

We believe that payments of salary made to Mr. Morton are subject to the recording provisions of Title 2 U.S. Code Sections 432 (c)(3) and (c)(4). In addition, we believe that these payments to Mr. Morton are subject to the reporting requirements of Section 434 (b)(10) of the same title. Further, we assert that these payments to Mr. Morton satisfy the definition of "expenditure" as found in Title 18 U.S. Code Sections 591 (f)(1) and (f)(2) and therefore the expenditure limitations found in Section 608 (c)(1) of the same title would be applicable. Thus, the amounts paid to Mr. Morton should be aggregated with all other expenditures made by the President Ford Committee to determine their total expenditure.

FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
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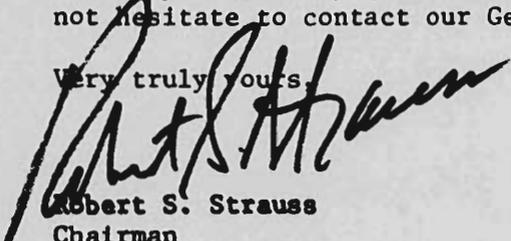
We respectfully request that the Federal Election Commission address these issues and that the Commission hold that the failure of the President Ford Committee to properly record these expenditures constitutes a violation of Title 2 U.S. Code Sections 432 (c)(3) and (c)(4) and a potential violation of Title 2 U.S. Code Section 434 (b)(10) and of Title 18 U.S. Code Section 608 (c)(1). We are asking only that the Commission pursue the intention you stated, Chairman Curtis, that all spending designed to influence the Presidential election be properly reported and charged against the ceilings imposed on all candidates.

In his State of the Union address, Mr. Ford promised that, "... in all that we do, we must be more honest with the American people." We ask the Commission to determine, in light of Mr. Morton's own statements and those of the White House spokesman, if he will not be using his government position to direct a private campaign. The Commission's primary responsibility, as we see it, is to squarely face and determine the nature of Mr. Morton's duties. The credibility of the Federal Election Commission must be maintained if the political process is going to work.

Mr. Morton joined the White House staff by their own admission, and by his, with his primary responsibilities being political. His position cannot and should not be equated with that of a typical Congressional administrative assistant whose primary year-round responsibilities are Congressional and, who, during campaign times, devotes some of his time to politics. As stated, Mr. Morton's job was created for political purposes, so advertised, and now, since questions have been raised by you and others, it has been defined to the contrary. We look to the Commission for appropriate action on our official complaint.

Should you have any questions concerning this complaint, please do not hesitate to contact our General Counsel, Sheldon S. Cohen.

Very truly yours,

  
Robert S. Strauss  
Chairman

RSS:sar

Enclosures

cc: Honorable Thomas B. Curtis  
Honorable Neil Staebler  
Honorable Joan D. Aikens  
Honorable Thomas Harris  
Honorable Robert O. Tiernan  
Honorable Francis Valeo  
Honorable Ted Henshaw

COMMUNICATIONS  
ORIGINAL FILE COPY  
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EXCERPTS FROM THE WHITE HOUSE

PRESS CONFERENCE OF ROGERS C.B. MORTON, JANUARY 13, 1976

Q: Sir, why should the taxpayer have to pay for a man for the President to communicate with his campaign committee?

Mr. Morton: Well, I think this is part of the American system. For example, I don't think there are any staff members of a Senatorial staff or any staff members of a Congressional staff that should not and are not involved in the Member's political activity -- the Member's effort to get re-elected. This is part of the American system.

\* \* \* \* \*

Mr. Morton: I think that the political duties will be a concentration of those political duties now being carried out by other members of the staff.

\* \* \* \* \*

Mr. Morton: I am not going to get into the management of the campaign. I have not thought of that. However, I think the President has to have some vehicle through which he can communicate with his campaign and also as party leader with the National Committee. I am a very logical person, having been Chairman of the National Committee and having been involved in campaigns, to do that.

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FEDERAL ELECTION COMMISSION  
OFFICIAL FILE  
OFFICE OF GENERAL COUNSEL

# Morton Is Said To Be Ready to Join Campaign

By William Chapman  
Washington Post Staff Writer

President Ford plans to name Commerce Secretary Rogers C.B. Morton as the White House assistant to coordinate his presidential campaign, informed sources said yesterday.

The announcement is expected next week. Morton would take over the political job soon after his scheduled departure from Commerce Feb. 1.

The appointment of Morton comes at a time when some party leaders are critical of the job being done by the official campaign manager, Howard H. (Bo) Callaway.

In their view, the early campaign plans have been sloppily made and reflect a lack of coordination between Mr. Ford's supporters in the country and the White House.

At the same time, Callaway, the director of the President Ford Committee, has urged appointment of a White House coordinator who could be relied on to obtain quick decisions on campaign matters.

Mr. Ford, according to aides, had sought a Republican from the middle of the road to handle the political chores in the White House, one who would alienate neither wing of the party.

Rumors that he would choose former Pennsylvania Gov. William Scranton, who is identified with the liberal wing, were denied, and Scranton said yesterday he had waged a campaign in Morton's behalf.

Morton, a former Republican national chairman, is believed to have strong support among both conservatives and liberals.

It was understood that Morton will also fill some regular government position in the White House. Assigning him non-political work would remove the stigma of having a full-time political executive on the public payroll.

Richard Cheney, the White House chief of staff, has been handling the political liaison role.

Last night, Mr. Ford gave a preview of his budget and his State of the Union message to a group of campaign aides who had been meeting this week in Washington.

According to a President Ford Committee spokesman, the President said he will propose innovative programs in education and tax proposals to help people earning between \$10,000 and \$30,000 a year.

"I will offer to a broad segment of society innovative programs from Washington and strengthened at home," Mr. Ford told the campaign committee's state chairman. He did not elaborate.

Mr. Ford was optimistic about the campaign ahead. "If we keep our cool and keep our faith and do what is right for America, I know we can win," he was quoted as saying. And in a reference to recent public opinion polls that have shown his popularity declining, the President said: "Damn the polls—full speed ahead."

In another development, both the White House and the Labor Department yesterday denied a report that Secretary of Labor John T. Dunlop has made up his mind to resign because of the presidential veto of the common-site picketing bill.

Dunlop's aides said yesterday that he is still talking with friends in labor and management to determine whether he should stay.

At the White House, press secretary Ron Nessen said there is "no indication" that Dunlop has decided to leave the administration.

A story in The Washington Post yesterday reported that Dunlop planned to quit because he believed that President Ford's veto of the picketing bill undercut Dunlop's effectiveness.

In denying the report, his aides said a decision is expected early next week.

Mr. Ford vetoed the bill Jan. 2. He had privately assured Dunlop, a chief architect of the legislation, that he would sign it. The bill would have expanded the picketing rights of unions at construction sites.

On Thursday, in another reaction to the veto, nine labor members of a presidential advisory committee on collective bargaining resigned in protest, charging that Mr. Ford had surrendered to anti-union political forces.

Nessen said yesterday that Mr. Ford regrets their resignation and expressed appreciation for their work on the joint labor-management committee, which had attempted to improve collective bargaining arrangements in the construction industry.

Nessen said the President shared Dunlop's view that at some time the work of the advisory committee should be resumed. However, he said there are no immediate plans to replace the resigned members with other union representatives.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
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The Washington Star

January 13, 1976

## New Morton Role Disputed

By Fred Barnes

Washington Star Staff Writer

Rogers C.B. Morton, who is soon to leave his job as secretary of commerce, was named today as a counsellor to President Ford. The White House insisted that his political duties will be minimal.

Instead, press secretary Ronald Nessen asserted that Morton's responsibilities will mainly be in the areas of domestic and economic policy.

Nessen's description of Morton's role in the White House conflicted sharply with what presidential aides said last week in discussing the appointment of the commerce secretary to the executive staff.

ONE WHITE House aide said the main feature of Morton's role was that he could devote full time to political matters, including coordinating the President's reelection campaign and serving as liaison with the Republican National Committee.

Moreover, the White House aide said Morton would have the specific job of determining any political problems in policy matters.

Another aide said that while Morton's duties would be primarily political, non-political duties would have to be tacked on in order to justify his government salary, \$44,600 in the new position.

Nevertheless, Nessen insisted at a White House briefing today the political duties of Morton will be "incidental" to his role in domestic and economic policy-making.

MORTON, 61, WHO is expected to begin work at the White House later this week, "will retain his membership on the Economic Policy Board, the Energy Resources Council and the Domestic Council," the press secretary said.

"He will also direct the liaison with the Republican National Committee and the President Ford Committee," Nessen said. "In addition, the secretary will be available to take on such specific assignments as the President may direct."

Morton replaces Richard Cheney, the White House chief of staff, as the contact with the election committee. He takes over for Robert Hartmann, the top

White House speechwriter, as the liaison with the GOP committee.

For several months, Ford campaign chairman Howard Callaway and other political associates of the President have been urging the appointment of a political counsellor at the White House. Nessen said today that Callaway had recommended Morton for the job.

NESSEN ALSO said that Morton's health was fine. Morton has been treated in recent years for cancer, and the announced reason for his resignation as commerce secretary was questionable health.

Morton plans to bring to the White House one aide, Roy Hughes, who served as assistant secretary of the interior while Morton was interior secretary from 1971 until last May.

According to White House officials, Morton was chosen over former Pennsylvania Gov. William Scranton for the counsellor's post. Morton was said to be more acceptable to Republican conservatives, many of whom were thought to dislike Scranton because of his alleged liberal tendencies.

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DIVISION OF GENERAL COUNSEL

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# Ford Appoints Morton to Assist In Policy Matters and Campaign

By JAMES M. NAUGHTON  
Special to The New York Times

WASHINGTON, Jan. 13 — President Ford named Rogers C.B. Morton today to serve as a White House counselor, but the President's spokesman said that Mr. Morton would give only "incidental" attention to the 1976 election campaign.

Ron Nessen, the White House press secretary, announced that Mr. Morton, the departing Secretary of Commerce, would join the President's personal staff as a Cabinet-rank adviser on economic and domestic policy matters. He said that the post would entail only "incidental duties of liaison with the President Ford Committee and the Republican National Committee."

Published reports last week said that Mr. Ford had persuaded a reluctant Mr. Morton to become the White House overseer of the President's candidacy for a full term.

Mr. Nessen said today that Mr. Morton, "if asked, will certainly give the President political advice" but that his duties would center more broadly on counseling Mr. Ford on domestic and economic issues.

Mr. Morton told reporters later that he would not choose the word "incidental" to describe his political contacts but that they would "take no overwhelming, major part" of his time.

"If I see the campaign going in the wrong direction," Mr. Morton said, "I won't bury my head in the sand."

Following White House criticism of the conduct of the President Ford Committee under its chairman, Howard H. Callaway, and Mr. Callaway's complaint that the campaign was not given a sufficiently high priority in the White House, Mr. Ford told reporters he was considering naming "somebody of stature" as his liaison with the campaign organization.

Mr. Morton, 61 years old, has held two Cabinet posts and is a former member of Congress and former chairman of the Republican National Committee.

Well-placed aides in the

White House and Ford campaign said last week that Mr. Morton would supply the President's candidacy with an element it had lacked—full and authoritative attention to politics in the White House.

By designating Mr. Morton a counselor, with undefined duties, the President will be able to pay him a \$44,600 annual salary from taxpayer funds. Mr. Nessen noted that the salary would be \$18,400 less than Mr. Morton earned as Commerce Secretary.

Although Presidents have customarily had aides who devoted substantial time and attention to the chief executive's political fortunes, Mr. Nessen appeared reluctant to say that Mr. Morton would fill such a role for Mr. Ford.

He said Mr. Morton would serve only as a "point of contact" with the campaign and party organizations, relieving Richard B. Cheney, the White House chief of staff, and Robert T. Hartmann, another counselor, of the chore.

Mr. Nessen smiled, but did not agree, when a reporter asked if he had "anticipated a measure of disbelief" in making the announcement.

A senior White House official said later that Mr. Nessen and the press corps had each indulged in some "feigned naïveté" in discussing the matter. "Every President has a political operative," the official said.

## Ford Names Byington

WASHINGTON, Jan. 13 (UPI) — Mr. Ford today named S. John Byington, as the next chairman of the Consumer Product Safety Commission.

Mr. Byington, 38, is a lawyer and pharmacist who is from Mr. Ford's hometown, Grand Rapids, Mich., and is deputy to the President's consumer adviser, Virginia Knauer.

His nomination, subject to Senate confirmation, has drawn opposition from the Consumer Federation of America, which said Mr. Byington "has mouthed the Administration viewpoint on every consumer issue."

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# Named Ford Aide

The Washington Post

January 14, 1976

By William Chapman

Washington Post Staff Writer

The White House attempted to minimize yesterday the political role that Rogers C. B. Morton will play when he joins President Ford's staff as counselor later this month.

In formally announcing Morton's appointment yesterday, press secretary Ron Nessen said that Morton's political liaison activities will be "incidental" to his main role as domestic and economic adviser.

Morton, the outgoing Secretary of Commerce, will have the title of counselor to the President with Cabinet rank and, according to Nessen, will concentrate on domestic and economic policy tasks.

On the other hand, Morton will be Mr. Ford's liaison with the President Ford Committee and the Republican National Committee, it was announced.

Nessen said it was not yet clear how Morton would divide his time between the political and public service roles, but insisted that politics would be his secondary assignment.

By playing down the political role, the White House hoped to avoid criticism that it was putting a \$44,600-a-year political aide on the public payroll at the beginning of the election year.

Asked later why a political aide should be paid from public funds, Morton told reporters: "You can't separate government from politics." Presidential assistants, he said, should not be so "sterilized" that they cannot offer political advice from time to time.

Nessen also sought to avoid the appearance of Morton becoming Mr. Ford's political czar who would overshadow the formal campaign manager, Howard H. (Bo) Callaway.

Callaway is considered in some Republican circles to be too inexperienced to direct a presidential campaign, and there has been speculation that Mr. Ford wanted a more knowledgeable figure in actual command of his election activities.

Nessen said yesterday that Callaway has the President's "full confidence and support" as campaign manager. "The President thinks he is doing a good job," Nessen said.

Asked how the White House could justify paying full salary to an aide some of whose duties will be political, Nessen said Morton's "main duties" will be in the economic and domestic fields.

If there were any legal question about the dual role, Nessen said, the White House would abide by "the spirit and the letter" of the new federal election law.

Nessen observed that there is "no clean, sharp line" in the White House between official and political duties and he pointed out that the aides of representatives, senators and governors are in much the same position as Morton.

A spokesman for the Federal Election Commission said there are no specific regulations governing the activities of quasi-political aides. "Anytime anyone wants to bring information on

that to the commission, it will be reviewed, like any other possible violation," the spokesman said.

Federal law generally prohibits expending public funds for political purposes. However, it is common practice for aides to federal office-holders to spend part of their time—often, most of their time—on politics in an election year.

All recent presidents have had aides who specialized in politics. Morton's appointment is unusual in that it comes at the beginning of an election year.

Morton, 61, is a former congressman and former chairman of the Republican National Committee who has many admirers in all factions of the party. He also has been secretary of both Commerce and Interior, and serves on the Economic Policy Board, the Energy Resources Council and the Domestic Council.

In an impromptu news conference, Morton defended his drawing a White House salary while engaged in a partially political role as being "part of the American

system." He said there is hardly a Senate or House staff aide who does not get involved in his boss's election campaigns.

Asked why his salary should not be paid from President Ford Committee funds, Morton said that would involve "more of a conflict of interest." It would be improper, he explained, for a presidential adviser to be paid out of "external" funds, such as campaign contributions.

Morton said he would be an "overall adviser" to Mr. Ford, giving advice on many subjects besides politics. Recalling their past congressional service, he said: "I'm very easy for him (Mr. Ford) to talk to." He confirmed that he will be making a number of speeches and fund-raising appearances for the President.

Rejecting suspicions he may clash with Callaway, Morton described himself as "one of Callaway's fans." He said the campaign director may have made some mistakes, but on the whole Mr. Ford's campaign is the "best organized" of any candidate's.



United Press International

ers Morton: the Ford campaign is the "best organized"

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**From:**

**THE DEMOCRATIC  
NATIONAL COMMITTEE  
1625 MASSACHUSETTS AVENUE  
WASHINGTON, D.C. 20036**

The Honorable Thomas B. Curtis

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76 JAN 21 4:39

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COMMISSION**

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This is a  
disgrace -

Please do  
whatever possible  
to get Morton  
off the taxpayer's  
back!

Mr. L. L. [unclear]  
FEDERAL ELECTION COMMISSION  
2 SPECIAL FILE COPY  
OFFICE OF GENERAL COUNSEL  
Arcadia Cal 91006

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# Ford's Lawyer Asks Election Panel Meet

By The Associated Press  
President Ford's lawyer requested a meeting with the Federal Election Commission today after the panel said it will investigate the appointment of Rogers C.B. Morton as a White House advisor paid by taxpayers but assigned to at least some political duties.

Deputy White House Press Secretary John Carlson said White House counsel Philip Buchen asked for the meeting with FEC Chairman Thomas B. Curtis and counsel John G. ... to explore their questions concerning Morton's new duties.

Democratic presidential candidate Fred Harris filed a complaint

letter with the FEC Wednesday night, calling for a "full investigation and full disclosure concerning the mixed White House House and political duties of ... Morton." Curtis also expressed concern about the appointment.

Carlson described Buchen's meeting with the FEC as "a listening session."

Asked if there was concern in the White House that Morton may be breaking the law in his new \$44,600-a-year job, Carlson said: "It is safe to say the President and his staff will totally and completely obey the letter and spirit of the law just as they expect every other candidate to do."

# One Hat Too Many

L.A. Times  
1/17/76

President Ford's election campaign has not been going well under the direction of former Army Secretary Howard H. (Bo) Callaway. Ronald Reagan's high command has been more successful in raising money and in organizing the early primary states, and Reagan's upsurge in the polls is also a reflection of the malaise at Ford headquarters.

It was not surprising, then, that the President was looking for a new political strategist, or that his choice would be outgoing Commerce Secretary Rogers C. B. Morton, a former Republican national chairman who knows his way around politics much better than does Callaway.

What is surprising, however, is that Ford intends to put Morton on the public payroll at \$44,600 a year—and with Cabinet rank. The White House defends that decision by insisting that Morton will also have important duties as a presidential counselor on domestic and economic affairs.

Yet Morton himself acknowledges that he will have "fairly significant" political responsibilities as White House "liaison" with the Ford campaign. That's another way of saying that Morton will be issuing the orders and Callaway will be carrying them out.

We pretend to no great outrage at what Ford proposes to do. Presidents, senators and representatives have been feeding their political operatives at the public trough since the birth of the republic. In fact, the onetime Cabinet position of postmaster general was almost always given to a political fence-ender and money-raiser. Many legislators, now as always, use their government-salaried staffs for political chores in election years, even though there's a law against it.

But Ford's plans for Morton are precedential in

one respect, and possibly illegal in another. He is not sliding the new man into a vacant spot at the White House. Instead, he is creating an entirely new position—and one with Cabinet status—for an appointee whose prime duty will be to work for Ford's election.

That's a clumsy, if candid, way to go at it. If the President values Morton most as a domestic affairs adviser, he should move him into the White House and find someone else to run the political show. If, as seems more likely, the President wants Morton most for his political skills, he should stick him behind a desk at headquarters and payroll him there.

But the Federal Elections Commission, not Ford, may have the last word. Its chairman, Thomas B. Curtis—a Republican and a former member of Congress—says it would be illegal for Morton to wear two hats, and will call on the commission for a ruling.

Curtis could be right. The new federal election law places a \$10 million ceiling on the amount a presidential candidate can spend to win the nomination. Curtis argues that to pay Morton with public funds for the time he spends on politics, without deducting that part of his salary from the \$10 million limit, would be a violation of the reform statute. And, of course, there is no way that such a deduction could be made because it is clearly illegal for a federal employe to be on the public payroll and a political payroll at the same time.

Ford has made a number of mistakes that have plagued his campaign from the beginning. He is going to have to decide before Morton reports to work at the end of the month whether he wants him in the White House or in his election committee headquarters. He should not have him in both places.

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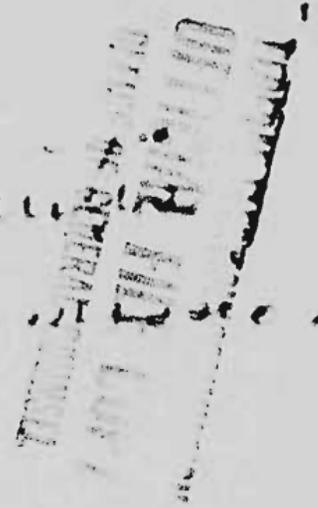


U.S. POSTAGE  
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76 JAN 25 P10:41

Chairman James B. Parsons  
Federal Election Commission  
Washington, D.C.



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FEDERAL ELECTION  
COMMISSION

January 17, 1976  
76 JAN 20 AIO: 57

Chairman Curtis  
Federal Election Commission  
Washington, D. C.

Re: Rogers C. B. Morton

Dear Mr. Chairman:

Mr. Morton's salary should not be paid by the taxpayers. This is a grossly unfair advantage for an incumbent President (of any party) to take.

I have today written to President Ford to express this opinion.

Sincerely yours,

*Arlene M. Boelter*

Arlene M. Boelter  
2812 - 2nd Ave. North  
Billings, Montana 59101

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OFFICE OF GENERAL COUNSEL

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MISS ARLENE M. BOELTER  
2812 - 2nd Ave. N.  
Billings, Montana 59101

FEDERAL ELECTION  
COMMISSION

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JAN 20 AIO: 32

Chairman Curtis  
Federal Election Commission  
Washington, D. C.

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RECEIVED  
FEDERAL ELECTION  
COMMISSION

1308 Otter Lane  
Oregon City, Oregon 97045  
January 16, 1976

76 JAN 20 A 9: 23

Chairman Thomas Curtis  
Federal Election Commission  
1325 "K" Street, N. W.  
Washington, D. C. 20005

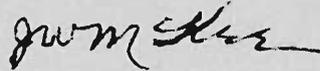
Dear Sir:

President Ford's appointment of Rogers C. B. Morton to conduct his re-election campaign at taxpayers' expense (\$44,600) is an abuse of his power, a gross mis-use of our money, and an unfair advantage over other presidential candidates.

More and more President Ford is using Nixonian tactics and he is losing thousands, maybe millions, of potential votes. This appointment is a great disappointment to those of us who felt he was doing a fair job considering the problems he faces.

We should have a law prohibiting incumbent presidents from re-election campaigning. He should do his job and trust that his performance is good enough to warrant his election to another term. As it is, the presidential duties seem to be only incidental to re-election efforts.

Very truly yours,



Jessie W. McKee (Ms)

cc: Ron Nessen, White House  
Senator Mark O. Hatfield  
Senator Bob Packwood  
Congressman Al Ullman

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OFFICE OF GENERAL COUNSEL

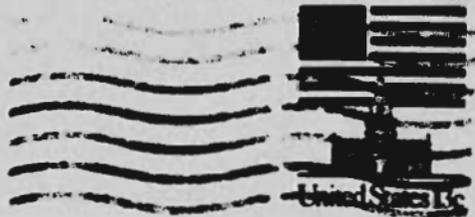
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Jessie W. McKee  
1308 Otter Lane  
Oregon City, Oregon 97045

FEDERAL ELECTION  
COMMISSION

76 JAN 20 A 9:16



Chairman Thomas Curtis  
Federal Election Commission  
1325 "K" St., N. W.  
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION  
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OFFICE OF GENERAL COUNSEL

76 JAN 19 P 3:41

Congressman Thomas Curtis:

I am appalled that Roger Werten  
is being allowed to run the President's  
Election Campaign with the aid of  
the Public's money!

It is improper and I will not  
vote for Ford, if this goes untouched.

A Republican

Jim Manning  
914 Magee St.  
Elmira, N.Y. 14901.

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OFFICE OF GENERAL COUNSEL

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COMMISSION

ELMIRA, NY 149  
JAN 16  
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1976

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*Congressman Thomas Curtis*  
*Federal Elections Commission*  
*1325 K ST., N.W.*  
*Washington, D.C. 20463*

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D.S.

McLellan

611 South Main

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Oxford, Ohio

45056



15 Jan. 1976

76 JAN 19 P 3: 35

Thomas Curtis, Commissioner  
Federal Elections Commission  
Washington, D.C.

Dear Congressman + Commission:

I was knocked for a loop by  
Morton's bland statement  
that he was going on the  
Federal payroll  
Ford's reelection.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

You sometimes wonder if people  
in the White House will ever  
get the message that we are  
fed up with <sup>the</sup> chicanery, hypocrisy,  
and corruption of our elected  
officials. How can such monumental  
insensitivity still exist. Needless  
to say I assume your Commission

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FEDERAL ELECTION  
COMMISSION

SERVICE  
PM  
16 JAN  
1976

ALWAYS  
ZIP CODE  
NATIONAL MOVABLE & PLUMBING UNION  
USA

The Honorable Thomas Curtis  
76 JAN 19 P 3: 06  
Federal Elections Commission  
Washington, D.C.

RECEIVED  
FEDERAL ELECTION  
COMMISSION

January 15, 1976

Mr. Thomas B. Curtis  
Chairman  
Federal Election Commission  
Washington, D.C.

76 JAN 19 P 3:30

Dear Mr. Curtis:

We issue a formal complaint against Gerald Ford, currently President of the United States, and Rogers Morton, currently nominated for a position on the White House Staff at a high governmental salary, for violation of the Constitution and the election laws of the United States:

In that Gerald Ford has appointed Rogers Morton to a position of White House domestic affairs advisor with the additional duties of presidential campaign advisor and coordinator.

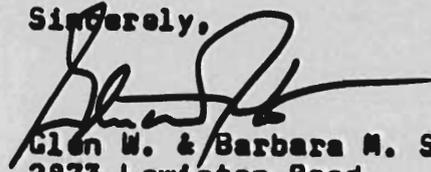
And in that Rogers Morton blatantly has admitted that it shall be part of his primary duties to further the presidential aspirations of Gerald Ford, which he excuses as being typical of the processes of government of the United States.

Now, therefore, we accuse Gerald Ford and Rogers Morton of knowing and willful subversion of the Constitution and the Laws of the United States which they have sworn to uphold but which they obviously regard so lightly. The citizens of the United States are not liable for -- nor should they ever be -- the expenses of any candidate for governmental office at any level. If there is to be any degree of morality at any level, then the highest office should elicit the highest morality!

For men such as Gerald Ford and Rogers Morton who have spent their entire adult lives in various echelons of government, always feeding at the government trough, this transgression is intolerable!

Thus, we pray for legal and moral relief from this incursion, by Gerald Ford and Rogers Morton, of Constitutional rights.

Sincerely,



Glen W. & Barbara M. Smith  
2873 Lewiston Road  
Niagara Falls, NY 14305

CC: Niagara Gazette  
Union Sun & Journal  
Congressman John LaFalce  
Senator James Buckley  
Senator Jacob Javits  
State Senator Lloyd Paterson  
State Assemblyman John Daly  
State Assemblyman Matt Murphy

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
MAILED BY GENERAL COUNSEL

77040012685

Mr. & Mrs. Glen W. Smith  
2873 Lewiston Road  
Niagara Falls, N. Y. 14305

RECEIVED  
FEDERAL ELECTION  
COMMISSION



76 JAN 19 P 3: 05

Mr Thomas B. Curtis, Chairman  
Federal Election Commission  
Washington, D.C.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF CLERICAL COUNSEL

70400267

125 Shuster Ave  
Aldan, Pa. 19018

Federal Election Commission  
Washington, D.C.

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Jan 16, 1976

Thomas B. Cloutier

JAN 19 P 3: 11

Dear Sirs:

I believe you are right in opposing the \$44,600 salary of Mr. Morton. Coming out of Government funds and the pockets of the tax payers.

If Mr. Ford wants Morton as a campaign manager the money for his salary should come out of Republican Presidential Election Fund.

The White House staff will try to overcome the payment by giving Morton a few odd jobs to make it look like he is on the White House Staff.

One other item - Why are government attorneys being used by Nixon at our expense in his present controversy & lawsuit by Walter J. Solferin. Why pay for it?

I hope you can prove your case & stop the payment.

Very truly yours

Joseph C. Poley, Sr

FEDERAL ELECTION COMMISSION  
OFFICIAL COPY  
OFFICE OF GENERAL COUNSEL

JOSEPH C. POLEY SR  
125 SHISLER AVENUE  
ALDAN, PENN.  
19018



FEDERAL  
COMMISSION



76 JAN 19 P3:00

*Federal Election Committee  
Washington,  
D.C.*

*20510*

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

*Thomas B. Curtis  
Chairman*

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IRWIN L. PAULL  
6511 BRACKEN RIDGE AVE.  
CINCINNATI, OHIO 45213

76 JAN 19 11:01

LETTER  
IN REFERENCE TO *Rogers C.B. Morton*  
*White House Job.*

AIRMAIL  FIRST CLASS MAIL  INTER-OFFICE

FOR *MR. Gordon M<sup>s</sup> Kay F.B.C. OFFICE*  
*1325 Kst. N.W.*  
*WASHINGTON, D.C. 20463*

HOW TO USE THIS  
*DAY/TIMER*  
*Time-Saver* LETTER TO SAVE TIME.  
Type or write your reply in the space below. Then mail the white copy to us and keep the pink copy for your files. You'll save time and effort, and we'll have your answer much faster! Thank you.

MESSAGE

DATE: *15 Jan 1976*

Dear Mr. M<sup>s</sup> Kay:

I am writing to complain about the "\$4,000." a year, being paid to Rogers C.B. Morton by taxpayers. It is an outrage, and I think contrary to the law. The job is a political job and nothing else. Mr. Ford should not be able to get away with this. The money should be paid by Mr. Ford's election committee.

An investigation should be started at once to clear up this matter.  
Thank you

BY *Irwin L. Paull*

REPLY

DATE: \_\_\_\_\_  
FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

State of Ohio }  
County of Hamilton }

Sworn to and subscribed before me this 15th day of January, 1976

*Jerry O. Holder*  
JERRY O. HOLDER  
Notary Public, Hamilton County, Ohio  
My Commission Expires Sept. 20, 1980

BY

FOR MR. GORDON M<sup>rs</sup> KAY F.E.C. OFFICE  
1325 KSt. NW  
WASHINGTON, D.C. 20463

HOW TO USE THIS

DAY-TIMER

Time-Saver

LETTER TO SAVE TIME.

Type or write your reply in the space below. Then mail the white copy to us and keep the pink copy for your files. You'll save time and effort, and we'll have your answer much faster! Thank you.

MESSAGE

DATE:

15 JAN 1976

Dear Mr. M<sup>rs</sup> Kay:

I am writing to complain about the \$4000 a year, being paid to Rogers C B Morton by taxpayers. It is an outrage, and I don't consent to the law. The job is a political job and nothing else. Mr Ford should not be able to get away with this. The money should be paid by Mr. Ford's election committee.

An investigation should be started at once to clear up this matter.

Thank you

BY

*John F. Hall*

REPLY

DATE:

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

State of Ohio  
County of Hamilton }

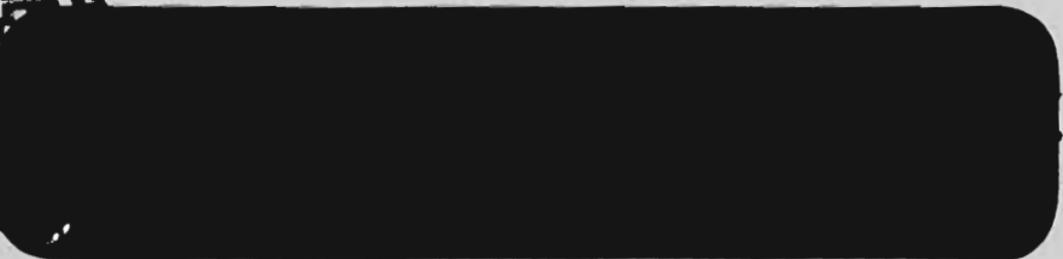
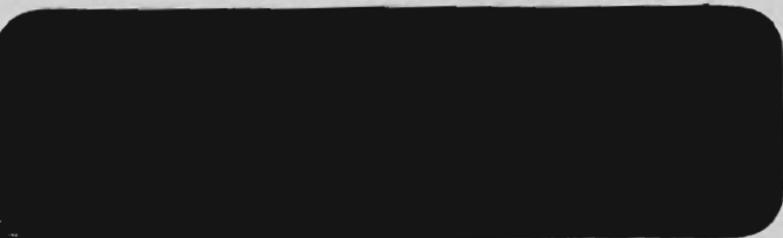
Sworn to and subscribed before me this 15th day of January, 1976.

*Jerry O. Holder*  
JERRY O. HOLDER  
Notary Public, Hamilton County, Ohio  
My Commission Expires Sept. 20, 1980

BY

FEDERAL ELECTION  
COMMISSION

FROM



PROCLAIM LIBERTY  
USA 13c



RECEIVED BY THE  
FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20541





RECEIVED  
FEDERAL ELECTION COMMISSION  
HOME ADDRESS: Blueberry Hill Road, Truro, Mass. 02666

# THE MILLS PAYROLL HOUSE

16 January '76

Mr. Thomas Curtis, Chairman  
Federal Election Commission  
Washington, D.C.

Dear Mr. Curtis:

We are grateful to you for challenging the legality of placing on the public taxpayer payroll the salary of Rogers C.B. Morton whose publicly announced job is admittedly solely political. What reason could there possibly be for adding another official to the already overloaded and top-heavy White House Presidential Staff?

We are well aware that your task is to make your decision based on the existing Election Law and are sure you will consider not only the letter but the spirit of the law. Regardless of whether one supports an incumbent President or his opponent for election, no taxpayer should be obliged to bear one cent of the cost of supporting a political strategist on the White House payroll.

Respectfully yours,

*William H. and Ruth A. Wenneman*  
William H. and Ruth A. Wenneman

CC: Mr. Rogers C.B. Morton

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

77040012693

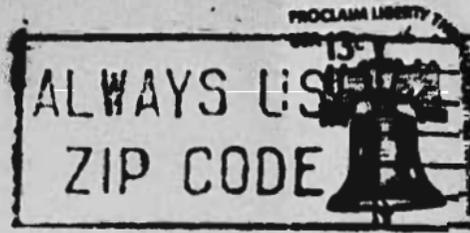
# THE MILLS WATT HOUSE

*Meeting and Queen Streets  
Rabston, South Carolina 29401*

WENNEMAN o 602

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 19 A 9: 43



7 0 4 0 0 1

Mr. Thomas Curtis, Chairman  
Federal Election Commission  
WASHINGTON, D.C.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 16 AM 11:54

826 St. Stephens Road  
Alexandria, Virginia 22304  
January 14, 1976

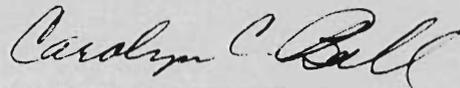
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C.

Dear Sir:

Enclosed is a copy of my letter to the Washington Post of this date protesting the appointment of Rogers C. B. Morton, whose salary and staff and office expenses are to be paid from federal funds.

I appeal to your organization to speak out and oppose this latest affront to the American taxpayer. As you know, staff and office expenses run into many dollars, dollars that should come from the pockets of supporters of candidates, not from the Treasury of the United States. A liaison between the White House and a campaign staff is purely and simply a partisan political activity.

Sincerely,



Carolyn C. Ball

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040012695

RECEIVED  
FEDERAL ELECTION  
COMMISSION

76 JAN 16 11 54 AM  
822 St. Matthews Road  
Alexandria, Virginia 22304  
January 14, 1976

Mr. Philip L Gevelin  
Editorial Page Editor  
The Washington Post  
Washington, D.C.

Dear Mr. Gevelin:

As a taxpayer and concerned U.S. citizen, I protest the payment of a salary and staff and office expenses from federal funds for a political advisor to the President.

The statement of Rogers C. B. Morton in this morning's (January 14, 1976) Washington Post, defending his position of drawing a White House salary while engaged in a partially political role as being "part of the American systems" is totally unacceptable to me. His further statement that there is hardly a Senate or House staff aide who does not get involved in his boss's election campaigns is equally unpalatable. Two wrongs do not make a right!

The Hatch Act limits involvement of thousands of federal employees in campaign activities, even on a voluntary basis. How can we tolerate a highly paid partisan political advisor and staff paid for by our tax dollars?

The time to stop this misuse of federal funds is now, before it gets started. I, therefore, request President Ford to withdraw his appointment of Rogers C. B. Morton. If he needs and wants a political advisor, let his campaign committee pay the bills.

Sincerely,

*Carolyn C. Ball*

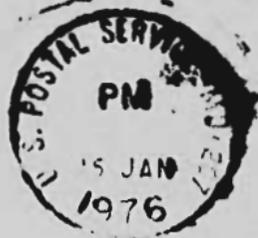
Carolyn C. Ball

cc: Federal Election Committee  
Common Cause

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

77040012695

RECEIVED  
FEDERAL ELECTION  
COMMISSION



76 JAN 16 11:46

Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

January 15, 1976

Mr. Fred R. Harris  
1412 K Street, N. W.  
Washington, D. C. 20005

Dear Mr. Harris:

This will acknowledge receipt of your complaint filed under Section 437(g) of the Federal Election Campaign Act, as amended, concerning the employment by the White House of Mr. Rogers Morton.

While this office will begin to review your complaint, your complaint cannot be considered as duly filed until it has been notarized in accordance with the Federal Election Commission Interim Complaint Procedure Guideline (Notice 1975-9, copy enclosed).

Should you wish to refile a notarized copy of your letter, please be so kind as to address your correspondence to me at:

Federal Election Commission  
1325 K Street, N. W.  
Washington, D. C. 20463

Sincerely,

Gordon Andrew McKay  
Assistant Staff Director for  
Disclosure and Compliance

Enclosure

77040012693



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

January 15, 1976

Receipt is herewith acknowledged of a letter from  
the Federal Election Commission concerning a com-  
plaint filed by Mr. Fred R. Harris on 1/14/76.

*Carol Smith*

Fred Harris Committee

FEDERAL ELECTION COMMISSION  
OPTIONAL FILE COPY  
BUREAU OF FEDERAL ELECTIONS

77040012699



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2027377000 MGM TDMT WASHINGTON DC 310 01-14 0648P EST

western union

Mailgram

FEDERAL ELECTION COMMISSION



76 JAN 15 410:29

MUR# 0021

THOMAS CURTIS  
CHAIRMAN FEDERAL ELECTIONS COMMISSION  
1325 K ST NORTHWEST  
WASHINGTON DC 20463

I BELIEVE THAT THERE OUGHT TO BE A FULL INVESTIGATION AND FULL DISCLOSURE CONCERNING MIXED WHITE HOUSE AND POLITICAL DUTIES OF MR ROGERS MORTON, IF, AS HIS OWN COMMENTS INDICATE, HIS PRIMARY DUTIES ARE TO HELP PRESIDENT FORDS CAMPAIGN FOR RE-ELECTION, HE SHOULD NOT BE RECEIVING \$46,000.00 A YEAR AS A CABINET-RANKED WHITE HOUSE OFFICIAL. THE NEW CAMPAIGN FINANCING LAW OVER WHELMINGLY SUPPORTED IN AMERICA PROVIDES FEDERAL MATCHING FUNDS IN THE PRIMARIES AND FULL FEDERAL FINANCING IN THE GENERAL ELECTION, AS YOU ARE AWARE, IT IS THEREFORE PARTICULARLY OBJECTIONABLE FOR PRESIDENT FORD TO PROVIDE A CAMPAIGN AIDE WITH A WHITE HOSE SALARY, AS IT APPEARS HE HAS DONE.

ROGERS MORTON, A FORMER CHAIRMAN OF THE REPUBLICAN NATIONAL COMMITTEE, IS QUOTED BY THE WASHINGTON POST AS "DEFENDING HIS DRAWING OF A WHITE HOUSE SALARY WHILE ENGAGED IN A PARTIALLY POLITICAL ROLE AS BEING 'PART OF THE AMERICAN SYSTEM'"

BECAUSE OF THE NEW CAMPAIGN FINANCING LAW, FOR THE FIRST TIME IN MY LIFETIME WE HAVE A CHANCE TO PUT INTO PRACTICE THE "ONE PERSON ONE VOTE" PRINCIPLE.

IN THE PAST, SOME PEOPLE HAVE HAD MORE THAN ONE VOTE BECAUSE THEY HAD THE MONEY - AND MONEY TRANSLATED INTO POLITICAL POWER, WITH THE NEW CAMPAIGN FINANCING LAW, PEOPLE HAD A RIGHT TO BELIEVE THAT AVERAGE CITIZENS HAD A CHANCE TO CUT THE SUPER RICH AND THE GIANT CORPORATIONS DOWN TO SIZE. BUT IF AN INCUMBENT PRESIDENT CAN USE THE FEDERAL PAYROLL TO HELP FINANCE HIS RE-ELECTION CAMPAIGN, THE PEOPLE ARE STILL AT A DISADVANTAGE IN THE ELECTION OF A PRESIDENT.

THIS TELEGRAM AND THE LETTER WHICH FOLLOWS CONSTITUTE A FORMAL COMPAINT TO THE FEDERAL ELECTION COMMISSION. I HOPE YOU WILL GET TO THE BOTTOM OF THIS MATTER AT ONCE AND MAKE YOUR FINDINGS AND RESPONSE PUBLIC

FRED R HARRIS  
1412 K ST NORTHWEST  
WASHINGTON DC 20005

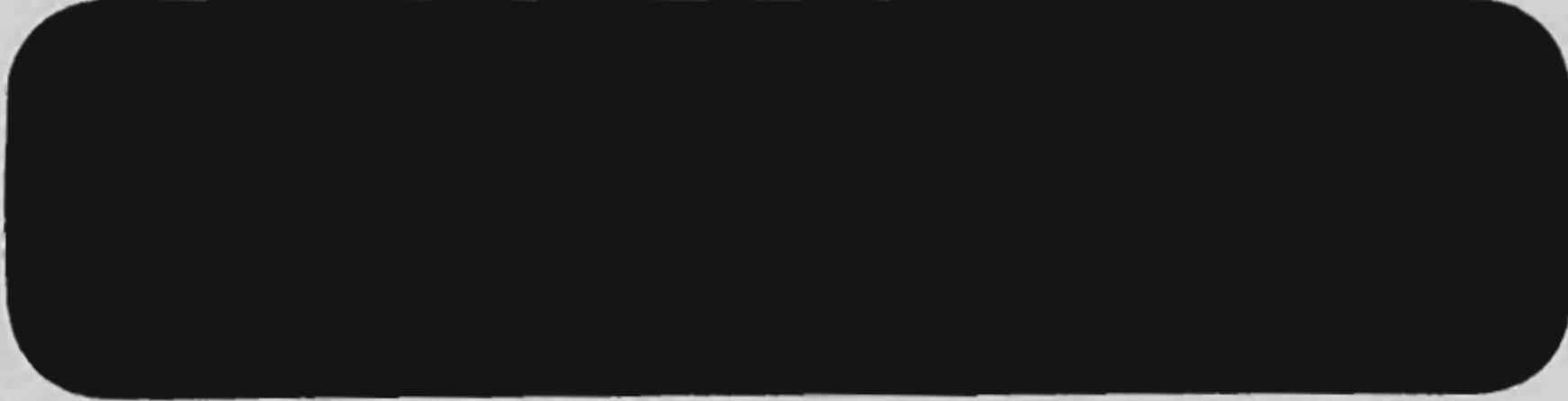
18:48 EST

MGMWSHT HSB

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
FEDERAL ELECTION COMMISSION

7 0 4 0

THIS MAILGRAM WAS TRANSMITTED ELECTRONICALLY BY WESTERN UNION TO A POST OFFICE NEAR YOU FOR DELIVERY



FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY

OFFICE OF GENERAL COUNSEL

5 AIO: 27

FEDERAL ELECTION COMMISSION

# Election Unit to Extend Morton Investigation to Others

By WARREN WEAVER  
Special to The New York Times

charged against the political spending limits.

WASHINGTON, Jan. 15 — The chairman of the Federal Election Commission said tonight that his agency would investigate the possibility that Presidential candidates in addition to President Ford were using Government employes as part of their campaign staffs.

The meeting between the White House representative and election commission officials was scheduled at Mr. Buchen's request after he read newspaper accounts of Mr. Curtis's comments yesterday on the legality of the Morton appointment.

The chairman, Thomas B. Curtis, said that the inquiry into the White House appointment of Rogers C. B. Morton as a political operative was "bound to" involve other candidates who are members of Congress, "because in anything like this, we try to operate across the board."

The White House indicated earlier in the day that President Ford was prepared to take any steps with respect to his new political adviser that the commission said were required by the new campaign law.

At issue is whether Mr. Morton's \$44,600 salary as a counselor to the President should be charged against Mr. Ford's primary campaign spending limit to the extent that the new White House adviser is involved in elective politics rather than the Government.

John Carlson, deputy White House press secretary, said, "The President and his staff will totally and completely obey the letter and spirit of the law, just as we expect the other candidates to do."

A scheduled confrontation between Philip W. Buchen, counsel to the President, and Mr. Curtis, failed to materialize today, because a commission meeting ran overtime and the chairman had to leave for St. Louis for business engagements.

Earlier in the day in Des Moines, however, Mr. Morton said that it would be up to the President and Mr. Buchen whether his \$44,600 White House salary would be charged against the Ford spending ceiling of \$10 million for the pre-convention campaign.

### Authority Restricted

"I feel no immorality about being paid by the Federal Government for doing a job for the Federal Government," Mr. Morton told a news conference, emphasizing the governmental aspects of his new post.

The White House appeared prepared, however, to accept Mr. Curtis's interpretation of the new campaign law and report as political spending, subject to legal limits, any part of Mr. Morton's salary that was regarded as payment for purely political activities.

"It would be a bad precedent for me to set—getting paid by a political fund-raising committee. The next thing you know, there could be a White House adviser who was on the payroll of the steel industry or the oil industry."

Mr. Curtis made it clear at a news conference after the commission meeting that the agency had no authority to prevent the President from putting Mr. Morton on the White House payroll and then using him principally for political coordination.

Mr. Morton was in Iowa to help to organize the Ford campaign in the precinct caucuses that will begin the delegate selection process next Monday. His expenses are being paid by the President Ford Committee.

But the commission is going to make sure all political spending of the President is properly recorded against the ceiling placed on all candidates.

Also spurring the commission's consideration of the issue was a complaint received this morning from one of the Democratic Presidential hopefuls, Fred R. Harris. He asked the commission to investigate "the mixed White House and political duties" of the former Secretary of Commerce.

Several of the Democratic Presidential candidates are members of either the Senate or the House of Representatives, and some of them have used aides on their Congressional staffs more or less interchangeably with those in their campaign headquarters.

A spokesman indicated that the question raised by Mr. Harris was probably not within the commission's jurisdiction, since it did not involve a violation of the campaign law, but he predicted that the commissioners would discuss it in closed session anyway.

If the commission applies to these Democrats the Morton policy enunciated by its chairman, all or part of the salaries of any of their Congressional aides engaged in campaign work will also have to be

Earlier today, the commission approved \$1.1 million more in Federal primary subsidies for six candidates, \$807,000 to Senator Henry M. Jackson, \$118,000 to President Ford, \$72,000

Representative Morris K. Udall, \$54,000 to Jimmy Carter, \$50,000 to Terry Sanford and \$19,000 to Senator Lloyd M. Bentsen.

So far, eligible candidates have received these payments: Senator Birch Bayh, \$114,000; Senator Bentsen, \$511,000; Mr. Carter, \$385,000; President Ford, \$493,000; Mr. Harris, \$100,000; Senator Jackson, \$907,000; Ronald Reagan, \$100,000; Mr. Sanford, \$244,000; Sargent Shriver, \$100,000; Representative Udall, \$581,000; and Gov. George C. Wallace, \$100,000.

This increased to \$3.6 million the total amount of matching payments approved by the commission. Theoretically, with 13 candidates of both parties in the field, the total could reach \$65 million by convention time, but it will probably be much lower.

Washington Post  
1-16-76

Michael  
Proceed.  
R

# Meeting On Morton Is Canceled

By William Chapman  
Washington Post Staff Writer

The White House, promising to obey the new election spending law, moved yesterday to settle a burgeoning dispute over the appointment of Rogers C.B. Morton as a partly political aide to President Ford.

White House counsel Philip W. Buchen scheduled a meeting on the issue with Federal Election Commission Chairman Thomas B. Curtis, who on Wednesday said the President was running into "dangerous waters" by putting Morton on the payroll.

However, the meeting was canceled when Curtis had to fly to Missouri.

At the White House, deputy press secretary John Carlson said, "It is safe to say the President and his staff will totally and completely obey the letter and spirit of the 1974 law just as they expect every other candidate to do."

Morton was named early this week to be a political and domestic counselor to the President at \$44,600 a year. His duties include speech-making for the President and acting as Mr. Ford's liaison with the President Ford Committee and the Republican National Committee.

On Wednesday, Curtis said the appointment represented a "possible violation" of the new election law and said the President would be violating the law unless the portion of Morton's salary and travel costs involved in political activities was reported and counted in the President's spending ceiling of \$10 million.

Morton, meanwhile, said last night he would feel "uncomfortable" if his salary was taken off the public payroll and paid with Mr. Ford's campaign funds.

"I would be uncomfortable in an advisory role in the White House being paid by external funds," Morton said.

"I think that would be a very bad precedent to set."

Meanwhile, Democratic Presidential candidate Fred Harris said yesterday he would file a formal complaint over the appointment.

"If his primary duties are to help President Ford's campaign, he (Morton) should not be receiving a salary as a Cabinet-ranked White House official," Harris said. Harris' complaint may become the formal mechanism used by the commission to investigate Morton's role.

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

# United Press International

UP-010

(NORTON)

WASHINGTON (UPI) -- THE CHAIRMAN OF THE FEDERAL ELECTION COMMISSION SAYS HE HOPES SOME "JAWBOKING" WILL CONVINCe PRESIDENT FORD TO TAKE HIS POLITICAL ADVISER ROGERS NORTON OFF THE PUBLIC PAYROLL.

THOMAS CURTIS SAID THURSDAY HE WILL MEET WITH FORD'S LAWYERS, PROBABLY EARLY NEXT WEEK, TO DISCUSS CHARGES THAT NORTON IS ILLEGALLY ON THE WHITE HOUSE PAYROLL AT A TIME HE SHOULD BE PAID BY THE PRESIDENT'S CAMPAIGN COMMITTEE.

CURTIS SAID THE FEC HAS NO DIRECT POWER TO PROHIBIT NORTON FROM BEING ON THE PUBLIC PAYROLL, ALTHOUGH HIS APPOINTMENT DOES APPEAR TO CONFLICT WITH SOME SECTIONS OF THE ELECTION LAW.

"YOU CAN DO A LITTLE JAWBOKING," CURTIS TOLD REPORTERS. "WE'VE HAD GREAT RESULTS IN VOLUNTARY COMPLIANCE."

A MEETING BETWEEN CURTIS AND FORD'S CHIEF LAWYER, PHILIP BUCHEN, WAS POSTPONED THURSDAY BECAUSE IT CONFLICTED WITH THE FEC'S REGULAR WEEKLY MEETING. CURTIS SAID HE WOULD RESCHEDULE THE MEETING WHEN HE RETURNED FROM A WEEKEND TRIP TO HIS HOME IN ST. LOUIS.

UPI 01-15 08:31 PES

UP-070

ADD 1 POLITICS, WASHINGTON (UP-060)

SPEAKING IN DES MOINES, IOWA, NORTON SAID HE WOULD BE UNCOMFORTABLE IN AN ADVISORY ROLE IN THE WHITE HOUSE BEING PAID BY EXTERNAL FUNDS. I THINK THAT WOULD BE A VERY BAD PRECEDENT TO SET.

"THE NEXT THING YOU HAVE IS A LOBBYIST. THERE WOULD NO REASON WHY THE STEEL PEOPLE COULDN'T BE THERE OR THE ELECTRICAL PEOPLE OR ANYONE ELSE."

HE ALSO SAID HE DID NOT SEE ANY DIFFERENCE BETWEEN HIS ROLE AND THAT OF AN ENERGY OR NATURAL RESOURCES ADVISER.

UPI 01-15 01:20 PES

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

Mike

UP-055

(FORD)

WASHINGTON (UPI) -- PRESIDENT FORD TODAY APPOINTED OUTGOING COMMERCE SECRETARY ROGERS MORTON AS HIS CHIEF POLITICAL AIDE IN THE WHITE HOUSE.

WHITE HOUSE PRESS SECRETARY RON NESSEN SAID, HOWEVER, THAT HOWARD "BO" CALLAWAY, FORD'S CAMPAIGN MANAGER, STILL IS IN CHARGE OF FORD'S ELECTION EFFORTS AND WILL CONTINUE IN THAT ROLE.

MORTON WILL SERVE AS AN ADVISER TO THE PRESIDENT ON DOMESTIC AND ECONOMIC POLICY, NESSEN SAID.

HE INSISTED MORTON'S ADDITIONAL ROLE AS FORD'S CHIEF LIAISON BETWEEN THE WHITE HOUSE AND THE CAMPAIGN COMMITTEE AND THE REPUBLICAN NATIONAL COMMITTEE WOULD ONLY BE INCIDENTAL.

MORTON, 61, WILL RECEIVE A SALARY OF \$44,600 A YEAR AND WILL OCCUPY THE OFFICE SUITE OF FORMER PRESIDENT RICHARD NIXON IN THE EXECUTIVE OFFICE BUILDING.

NESSEN TOLD REPORTERS CALLAWAY WILL "ABSOLUTELY" REMAIN IN CHARGE OF THE PRESIDENT'S ELECTION CAMPAIGN. HE SAID CALLAWAY HAD STRONGLY URGED MORTON'S APPOINTMENT TO BE A LINK WITH HIS COMMITTEE ON A DAY-TO-DAY DECISIONS.

NESSEN SAID, "BO IS RUNNING THE CAMPAIGN AND WILL CONTINUE TO DO SO. THE PRESIDENT THINKS HE IS DOING A GOOD JOB."

FEDERAL ELECTION COMMISSION  
OFFICIAL FILE COPY  
OFFICE OF GENERAL COUNSEL

1-14-76

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# Morton Named Ford Aide

By William Chapman  
Washington Post Staff Writer

The White House attempted to minimize yesterday the political role that Rogers C. B. Morton will play when he joins President Ford's staff as counselor later this month.

In formally announcing Morton's appointment yesterday, press secretary Ron Nessen said that Morton's political liaison activities will be "incidental" to his main role as domestic and economic adviser.

Morton, the outgoing Secretary of Commerce, will have the title of counselor to the President with Cabinet rank and, according to Nessen, will concentrate on domestic and economic policy tasks.

On the other hand, Morton will be Mr. Ford's liaison with the President Ford Committee and the Republican National Committee, it was announced.

Nessen said it was not yet clear how Morton would divide his time between the political and public service roles, but insisted that politics would be his secondary assignment.

By playing down the political role, the White House hoped to avoid criticism that it was putting a \$44,600-a-year political aide on the public payroll at the beginning of the election year.

Asked later why a political aide should be paid from public funds, Morton told reporters: "You can't separate government from politics." Presidential assistants, he said, should not be so "sterilized" that they cannot offer political advice from time to time.

Nessen also sought to avoid the appearance of Morton becoming Mr. Ford's political czar who would overshadow the formal campaign manager, Howard H. (Bo) Callaway.

Callaway is considered in some Republican circles to be too inexperienced to direct a presidential campaign, and there has been speculation that Mr. Ford wanted a more knowledgeable figure in actual command of his election activities.

Nessen said yesterday that Callaway has the President's "full confidence and support" as campaign manager. "The President thinks he is doing a good job," Nessen said.

Asked how the White House could justify paying full salary to an aide some of whose duties will be political, Nessen said Morton's "main duties" will be in the economic and domestic fields.

If there were any legal question about the dual role, Nessen said, the White House would abide by "the spirit and the letter" of the new federal election law.

Nessen observed that there is "no clean, sharp line" in the White House between official and political duties and he pointed out that the aides of representatives, senators and governors are in much the same position as Morton.

A spokesman for the Federal Election Commission said there are no specific regulations governing the activities of quasi-political aides. "Anytime anyone wants to bring information on

that to the commission, it will be reviewed, like any other possible violation," the spokesman said.

Federal law generally prohibits expending public funds for political purposes. However, it is common practice for aides to federal office-holders to spend part of their time—often, most of their time—on politics in an election year.

All recent presidents have had aides who specialized in politics. Morton's appointment is unusual in that it comes at the beginning of an election year.

Morton, 61, is a former congressman and former chairman of the Republican National Committee who has many admirers in all factions of the party. He also has been secretary of both Commerce and Interior and serves on the Economic Policy Board, the Energy Resources Council and the Domestic Council.

In an impromptu news conference, Morton defended his drawing a White House salary while engaged in a partially political role as being "part of the American

system." He said there is hardly a Senate or House staff aide who does not get involved in his boss's election campaigns.

Asked why his salary should not be paid from President Ford Committee funds, Morton said that would involve "more of a conflict of interest." It would be improper, he explained, for a presidential adviser to be paid out of "external" funds, such as campaign contributions.

Morton said he would be an "overall adviser" to Mr. Ford, giving advice on many subjects besides politics. Recalling their past congressional service, he said: "I'm very easy for him (Mr. Ford) to talk to." He confirmed that he will be making a number of speeches and fund-raising appearances for the President.

Rejecting suspicions he may clash with Callaway, Morton described himself as "one of Callaway's fans." He said the campaign director may have made some mistakes, but on the whole Mr. Ford's campaign is the "best organized" of any candidate's.

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