

19 FEB 1976

Francis J. Boyle
Moore, Virgadamo, Boyle
and Lynch, Ltd.
112 Bellevue Avenue
Newport, Rhode Island 02840

Dear Mr. Boyle:

This refers further to your request for an advisory opinion, our reference AOR 1975-101, as to whether various distributions from a charitable trust which Senator Pell and his wife established and control are required to be charged against the Senator's expenditure limits under 18 U.S.C. §608(c).

In Buckley v. Valco, 44 U.S.L.W. 4127 (S.C. January 30, 1976), the Supreme Court recently held, inter alia, that section 608(c) of Title 18 United States Code, is unconstitutional, except for sections 608(c)(1)(A) and (B), which continue to apply to presidential candidates receiving Federal funds under Chapters 95 and 96 of the Internal Revenue Code, Title 26 United States Code. The effect of the Court's decision is that Senator Pell may now make unlimited expenditures from his personal funds and from campaign funds contributed by others in connection with his campaigns for nomination or election to the office of United States Senator. I note that the contribution limitations of 18 U.S.C. §608(b) were upheld by the Court and remain in effect, as do the disclosure provisions of Title 2, United States Code.

In view of the Buckley decision, supra., it appears that no further Commission action is required on AOR 1975-101; therefore, we are closing our files on the matter.

Sincerely yours,

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

Shillito:dej:2/19/76
cc: Docket Section (AOR 1975-101)
JGM, BL, BS