

May 15, 1978

AOR 1978-11

Ms. Julie Noel Gilbert
Cohen and Uretz
1775 K Street, N.W.
Washington, D.C. 20008

Dear Ms. Gilbert:

This responds to your written request, on behalf of the Honorable William O. Douglas, for confirmation of the Commission's interpretation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Commission has considered its power to answer your inquiry, but must reluctantly conclude that it is precluded by statute from doing so. An advisory opinion is not appropriate because of the standing restrictions in 2 U.S.C. §437f and the definition of "Federal office" in 2 U.S.C. §431(c) which is expressly limited to the offices of President, Vice President, Senator, and Representative (also Delegate or Resident Commissioner) in Congress. Furthermore, §437f bars the Commission or any of its employees from issuing other opinions of "an advisory nature."

The Commission's authority to enforce 2 U.S.C. §441i is apparent from 2 U.S.C. §437d(a)(6). It may also make a "reason to believe" determination that a violation of 2 U.S.C. §441i has or has not occurred. 2 U.S.C. §437g (a)(2)

The Commission regrets that it may not make any substantive response to your request.

Sincerely yours,

/s/
William C. Oldaker
General Counsel

NBLitchfield:bwl:5/11/78