

May 15, 1978

AOR 1978-14

Honorable John J. Sirica
United States District Judge
District of Columbia
Washington, D.C.

Dear Judge Sirica:

This refers to your letter of February 15, 1978, with enclosure, requesting an advisory opinion from the Commission concerning application of 2 U.S.C. §441i to your receipt of honoraria now that you have "elected to take 'senior' status as a federal judge."

The Commission has recently considered its power to issue advisory opinions to members of the Federal judiciary but reluctantly concluded that the standing restrictions of 2 U.S.C. §437f preclude such opinions since the operative phrase "Federal office" is defined in 2 U.S.C. §431(c) to mean only the offices of President, Vice President, Senator, and Representatives (or Delegate or Resident Commissioner) in Congress. The cited §437f also bars the Commission and its staff from issuing other opinions of "an advisory nature."

As you may realize, the Commission has prescribed regulations explaining §441i which are found at 11 CFR 110.12. A Commission pamphlet containing the regulations is enclosed for your convenience.

I regret that we are precluded from issuing a more substantive response to your request.

Sincerely yours,

/s/

William C. Oldaker
General Counsel

Enclosure
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