

HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

1726 M Street, NW, Suite 600 Washington, DC 20036

(202) 328-3500 (202) 328-6918 fax

MAY 27 3 05 PM '99

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL

May 25, 1999

Office of General Counsel
Attn: AO Request
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

AOR 1999-14

Dear Sir or Madam:

This firm represents the Council for a Livable World, which is registered with the Federal Election Commission as a non-connected political committee. This request for an Advisory Opinion is submitted on behalf of the Council pursuant to 2 U.S.C. § 437f and 11 C.F.R. § 112.1.

The Council is an unincorporated association organized in 1962 to combat the menace of nuclear war. The Council later expanded its focus to include other weapons of mass destruction, both chemical and biological. The Council for a Livable World promotes its ideological agenda by endorsing candidates for the U.S. Senate who are supportive of arms control and asking the organization's supporters to contribute to endorsed candidates. A sister organization, PeacePAC, conducts similar work in U.S. House races. PeacePAC and the Council are treated as affiliated committees under 11 C.F.R. § 100.5(g).

In order to provide for long-term financial stability, the Board of Directors of the Council has decided to set up a planned giving program soliciting supporters for testamentary bequests. Relying upon the reasoning of AO 1983-13, 1986-24, and 1988-8, the Council will request that its supporters include in their wills a provision bequeathing an amount up to \$100,000 to the organization.

The Council will deposit all funds received from any bequests that exceed \$5000 into an interest-bearing savings or other investment account to be held in escrow. A separate, segregated escrow account will be created for each bequest. The Council will not pledge, assign, or otherwise obligate these escrow account balances in any manner to augment other Council funds. The Council will withdraw from each escrow account and deposit into its general account to be used for political purposes no more than \$5000 annually from each account. If the annual contribution limit in 2 U.S.C. § 441a(1)(C) is raised or lowered in the future, the Council will adjust this annual transfer up or down to correspond with the then-current contribution limit.

The organization has consulted with fundraising experts to develop this capital campaign/bequest program. While some details of the fundraising plan have yet to be worked out, solicitation language will be along the lines of the following:

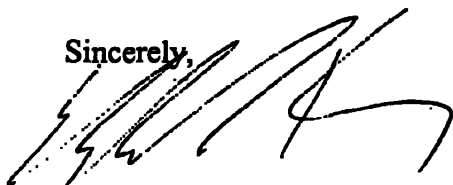
Federal Election Commission
May 25, 1999
Page 2

Leo Szilard originally funded the Council by asking the directors and key supporters to pledge two percent of their incomes. This method has given way to periodic appeals for funds. In order to continue Leo Szilard's vision for the Council and to endow the organization as a permanent institution, we respectfully call upon all members of Council for a Livable World's Board of Directors — and all friends of the Council — to place in their wills a provision to bequeath \$100,000 to the Council. Should your estate not be sufficient to sustain this level, please choose an alternative amount. Your estate contribution will be placed in a special escrow account from which the Council can withdraw \$5000 annually under present law.

The Council seeks a ruling that its solicitation and acceptance of such bequests would not be considered to be the solicitation or acceptance of a contribution in excess of the limits in 2 U.S.C. § 441(a)(1)(C) and 11 C.F.R. § 110. Such a ruling would be consistent with prior Commission Advisory Opinions, which have permitted acceptance of individual bequests in excess of the \$5000 contribution limit provided the amount received is deposited to an escrow account and no more than \$5000 withdrawn annually.

Should you require any further information regarding this request, please contact me.

Sincerely,



Elizabeth Kingsley