

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Tom Udall

OCT 31 9 35 AM '00

308 East Capitol St., N.E., Apt. 7  
Washington, D.C. 20515  
(202) 543-3341  
(202) 543-1640 fax

October 30, 2000

Lawrence M. Noble, General Counsel  
Attention: N. Bradley Litchfield, Associate General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

AOR 2000-37

Dear General Counsel Noble:

Re: Follow-Up Information Regarding Commemorative Medal Replicas

I am writing in response to your letter of October 27, 2000 regarding so-called Liberty Medals. In that letter you requested additional information which I am providing as follows:

1) An estimate of the number of medals, and their cost, that may be purchased by my campaign committee.

Response: Based on inquiries received to date, I estimate one to two dozen Liberty Medals would be purchased. The cost for lots of ten, without shipping and handling, would be \$130.00. Purchased individually, the Liberty Medals would cost \$17.00. Two dozen Liberty Medals would thus cost approximately \$328.00 plus shipping and handling which could come to approximately \$30.00 more.

2) An explanation of whether the medal recipients would be limited to veterans who reside in the 3<sup>rd</sup> Congressional District of New Mexico, elsewhere in New Mexico or in any other state or territory of the United States.

Response: At present, it is anticipated that the medal recipients would be veterans residing in or otherwise constituents of the 3<sup>rd</sup> Congressional District of New Mexico.

3) A description of the circumstances related to the events that would be organized and conducted to present the medals, including locations and schedule.

Response: A specific schedule for presentation of the medals has not been formulated at this time. This is because requests for the medals continue to be received from veterans. However, at present I contemplate that the presentations would either occur in a private setting where I would meet with the veteran and their family members at their homes or in a public location or else in conjunction with a visit to a veterans organization.

4) Information concerning whether I, any member of my official staff, or any personnel of my campaign committee would have any role in selecting the eligible veterans, presenting the medals to them, or in organizing and conducting the events at which the medals would be presented.

Response: The issue of the Liberty Medals arose out of information provided to veterans in my state by a member of Congress from another district in my state. To my knowledge, that information was disseminated after the June 6<sup>th</sup>, 2000 deadline for award of the official medals authorized by the French Government. Veterans who became aware of the information because of announcements made by the other member of Congress, or repeated by other veterans through

letters to their local newspapers or communications with their local veterans groups, contacted my official staff. I am enclosing letters and news clippings which illustrate the nature of some of these communications.

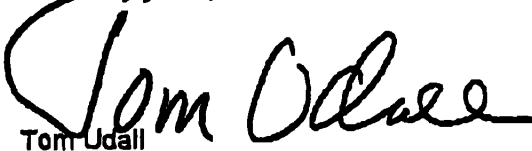
As my official staff attempted to obtain additional information concerning the Liberty Medals, we gradually became aware of the questions concerning whether the official medals were still available for presentation. And we also became aware that other members of Congress appeared to be utilizing the replica medallions available through Sims Enterprises of Kansas for purposes of honoring qualifying veterans. Finally, after numerous internal discussions by my official staff of the various questions and concerns, and a series of preliminary inquiries made of staff members with the Committee on House Administration, on October 11, 2000 members of my official staff met with a staff member of the Committee on House Administration to discuss the issue in greater detail. As a result of questions raised during that meeting contact was also made contemporaneously with a staff member for the House Committee on Standards of Official Conduct. That, in turn, led to effort to contact the appropriate personnel at the Federal Election Commission and leading, in turn to my October 25, 2000 letter directed to your attention.

At this point, the one person on my official staff attempting to coordinate dealing with these questions is my chief of staff who is also my designated principal assistant. However, other official staff members, both in my congressional district and in my Washington, D.C. office, continue to receive inquiries and other communications from veterans concerning the Liberty Medals. This, in turn, continues to generate internal discussions concerning how to handle these communications in the absence of a clear path for doing so.

Assuming that purchasing and then presenting the Liberty Medals was found to be an acceptable use of campaign funds, I have thought that veterans (and in one or two cases, their survivors) who believed they would have qualified for the official medals authorized by the French Government would be asked to provide some minimal "verification" of their ability to have qualified to my campaign committee. "Verification" could consist of an affidavit or a copy of a military record or other record indicating participation in the Normandy Landing. There are two ways I can foresee handling the "screening" of this verification information. One is to have "screening" done by a member of my campaign committee. The other is to have the "screening" done by a veterans group (or groups) in my district. Please consider both alternatives in any response to my request.

I would be glad to provide additional information you might feel helpful. Thank you.

Very truly yours,



Tom Udall

Enclosures as noted

... 430 W.  
... 8 p.m. May 27, the tour will be  
... in Vaughn. It  
... in early June.  
... call 255-

### France Offers Medals to Normandy Vets

Veterans who fought at Normandy are eligible to receive a medal from the government of France, Rep. Heather Wilson, R-N.M., announced last week. Wilson is trying to locate New Mexicans who may receive the "Jubilee of Liberty Medal." To receive the medal, veterans must have served in the U.S. armed forces and taken part in the Battle of Normandy from June 6, 1944, through Aug. 31, 1944. Those veterans, or family members of veterans who have since died, are asked to call Wilson's Albuquerque office at 346-6781.

*Called*

## Medal offered for Normandy vets

Veterans who fought at Normandy are eligible to receive a medal from the government of France. Congresswoman Heather Wilson, (R-NM), a distinguished graduate from the U.S. Air Force Academy and the first woman veteran in American History to serve in Congress, is trying to locate New Mexicans who may receive the "Jubilee of Liberty" medal.

To receive the medal, veterans must have served in the U.S. Armed Forces and taken part in the Battle of Normandy from June 6, 1944 through August 31, 1944.

Those veterans or family members of veterans who have since died are asked to call Congresswoman Wilson's Albuquerque office at (505) 346-6781.

W. David Kemm  
Las Vegas

Monday  
July 10, 2000

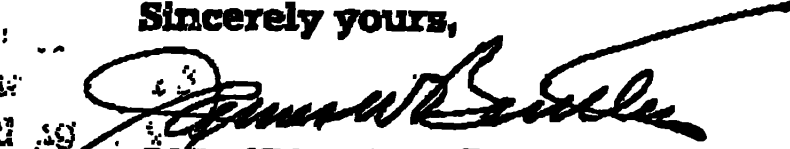
**The Honorable Tom Udall  
502 Cannon  
House Office Building  
Washington, DC 20515**

**Dear Mr. Udall:**

**I am a retired LTC in the US Army and I served in France during the period June 6, 1944 and August 32, 1944. According to a newspaper article, I am Qualified to Receive the Jubilee of Liberty Medal from the French Government. I called Heather Wilson's office in Albuquerque and they referred me to your office here in Santa Fe and told me to write directly to you.**

**Can you help me?**

**Sincerely yours,**

  
**JAMES W. BENTLEY  
Lt. Col, Army of the US  
Retired**

**James W. Bentley  
132A East De Vargas Street  
Santa Fe, NM 87501**

**(505) 982-2129**

206-369-3694

Alameda  
897-4606

OCT 18 2000

*Juan*

10/16/00

Mr. Tom Udall  
120 Federal Place  
Room 100  
Santa Fe, NM 87501

Mr. Udall:

I am writing this letter on behalf of my mother Dulcinea Padilla who is a Mora County resident. I am requesting information on obtaining a medal for my father Frank A. Padilla, who took part in the Battle of Normandy. He served in the armed forces from November 3<sup>rd</sup>, 1941 through October 2<sup>nd</sup>, 1945. He was classified PVT First Class - Anti Tank Co. 272 Infantry #38076074. His Social Security # is 525-32-1800. My father has since passed away.

Please send any and all information to my address at 755 Don Gallegos Circle, Las Vegas, NM 87701. Should you have any questions, please call me at 827-5645.

Thank You,

*Noyola Padilla*

Noyola Padilla

Encl. (Clipping found in Las Vegas Daily Optic - editorial section)



FEDERAL ELECTION COMMISSION

Washington, DC 20463

October 27, 2000

The Honorable Tom Udall  
Member of Congress  
308 East Capitol Street, NE, Apt. 7  
Washington, D.C. 20515

Dear Mr. Udall:

This responds to your letter dated October 25, 2000, which requests an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to the use of campaign funds to purchase replica medallions for presentation to veterans of the United States Armed Forces who participated in the Normandy landing in Europe on June 6, 1944.

In summary, you propose to use your campaign funds to purchase the replica medallions, known as Liberty Medals, from Sims Enterprises of Kansas. The medals would then be presented to qualified veterans "at events sponsored by Veterans organizations... ." You explain that the "only campaign funds involved would be those used to purchase the . . . Liberty Medals." You have not indicated that you, any member of your official staff, or any personnel of your campaign committee would have any role in selecting the eligible veterans, presenting the medals to them, or in organizing and conducting the events at which the medals would be presented. If the content of the foregoing sentence does not correctly reflect the factual circumstances, please explain and clarify.

As you may know, the Act authorizes the Commission to issue an advisory opinion in response to a "complete written request" from any person with respect to a specific transaction or activity by the requesting person. 2 U.S.C. §437f(a). The request goes on public record and must concern an activity that "the requesting person plans to undertake or is presently undertaking and intends to undertake in the future." 11 CFR 112.1(b), 112.2(a). The regulations also explain that an advisory opinion request "shall include a complete description of all facts relevant to the specific transaction or activity with respect to which the request is made." 11 CFR 112.1(c). The regulations further provide that this

office shall determine if a request is incomplete or otherwise not qualified as an advisory opinion request. 11 CFR 112.1(d). In addition, both the Act and Commission regulations state that neither the Commission nor any Commission employee may give any opinion of an advisory nature, except through the advisory opinion process. 2 U.S.C. §437f(b), 11 CFR 112.4(f).

Given these provisions, if you wish to proceed with requesting an advisory opinion from the Commission on this inquiry, you will need to provide additional information in response to the following questions:

- 1) Please provide an estimate of the number of medals, and their cost, that may be purchased by your campaign committee.
- 2) Explain whether the medal recipients will be limited to veterans that reside in the 3<sup>rd</sup> Congressional District of New Mexico? Elsewhere in New Mexico? In any State or territory of the United States?
- 3) Describe the circumstances related to the events that will be organized and conducted to present the medals, including location(s) and schedule.
- 4) Respond to the inquiry related at the end of the second paragraph, above.

Upon receiving your responses to these questions, this office and the Commission will give further consideration to your inquiry as an advisory opinion request. If you have any questions about the advisory opinion process, or this letter, please contact Mr. Litchfield at (202) 694-1650. This letter has been sent by fax to (202) 543-1640 in the interest of time. A first class mailing will follow.

Sincerely,

Lawrence M. Noble  
General Counsel

By:

  
N. Bradley Litchfield  
Associate General Counsel

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

Sent by fax on  
10-25-2000

**Tom Udall**

Oct 30 11 12 AM '00

308 East Capitol St., N.E., Apt. 7  
Washington, D.C. 20515  
(202) 543-3341  
(202) 543-1640 fax

October 25, 2000

Lawrence Noble, General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Dear General Counsel Noble:

Re: Advisory Opinion regarding Commemorative Medal Replicas

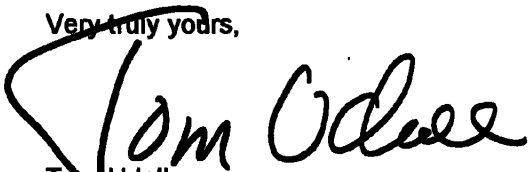
I am writing in order to request an advisory opinion concerning a possible expenditure of campaign funds for the purpose of purchasing and presenting to veterans commemorative medals that are replicas of the medals authorized by the French Government for presentation to U. S. Armed Forces Veterans who participated in the June 6, 1944 landing at Normandy as part of the Allied effort to re-take Europe.

As I understand the underlying facts, the original Liberty Medals were authorized to be issued and presented to U. S. Armed Forces Veterans on or before June 6, 2000. Veterans who did not receive their Liberty Medals by that date were no longer eligible to have them provided by the French Government. However, they may still qualify for presentation of Certificates that would also be awarded by the French Government. Information concerning the possibility of qualifying for the French Government Liberty Medals was not widely disseminated in many parts of this country, including my state. As a consequence, many veterans who might have qualified if they had applied for the award of the Liberty Medals on a timely basis did not do so. Subsequently, however, as word spread concerning the Liberty Medals, many Veterans contacted me for information concerning how they could obtain medals. These contacts Veterans contacted me at both my official offices and my campaign offices. Following the passage of the June 6, 2000 deadline for award of the French Government-authorized medals, a private company realized that many Veterans nevertheless wanted some commemoration of their participation in the June 6, 1944 Normandy Landing. As a result, that company, Sims Enterprises of Newton, Kansas, began to produce replicas of the original Liberty Medals issued and awarded by the French Government.

With the foregoing facts in mind, the purpose of this letter is to request an advisory opinion from your office concerning the permissibility of using campaign funds to purchase from Sims Enterprises or some other private manufacture, replicas of the original Liberty Medals which would then be presented at events sponsored by Veterans organizations to Veterans who requested them. There would be no associated effort to publicize that the replicas were available. Those to whom the replicas would be presented would be required to provide some minimum evidence that they had participated in the Normandy Landing. The only campaign funds involved would be those used to purchase the commemorative replicas of the original Liberty Medals.

I would be glad to provide additional information concerning this request. Thank you.

Very truly yours,

  
Tom Udall