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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
THE AMERICAN LEGION  
NATIONAL HEADQUARTERS

SEP 25 11 06 AM '00

OFFICE OF THE  
NATIONAL JUDGE ADVOCATE  
INDIANAPOLIS, IND. 46206

September 20, 2000  
3-69-3

MUR 5050

Ms. Alva E. Smith  
Federal Election Commission  
999 E. Street, N.W.  
Washington, D.C. 20463

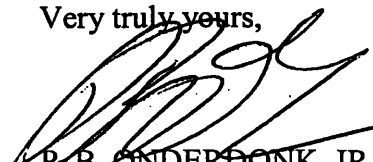
Dear Ms. Smith:

21.04.402 3431  
This letter will confirm our telephone conversation of September 19, 2000 in which I related that the letter from the Federal Election Commission issued August 18, 2000 but mailed August 23, 2000 had arrived at American Legion National Headquarters while we were away at our National Convention in Milwaukee. It was misaddressed to the Editor of the American Legion Auxiliary Magazine but deals with an advertisement in The American Legion Magazine. Accordingly, we have just gotten to the letter. I telephoned to advise that we need thirty (30) days to do a full and complete investigation of subject advertisement, which is hereby requested.

Nonetheless, I can advise that I do not believe the Federal Election Commission has any jurisdiction in the matter. The advertisement in question concerned macular degeneration and contained a picture of a computer screen on which the name "George Bush" appeared. Further down on the same screen is a reference to the former president. It is absolutely crystal clear that this reference was to the former president, not to a candidate. Hence, there is no jurisdiction in the Federal Election Commission because no candidate is involved. In addition, the text of the advertisement is clearly an advertisement for a commercial product that has nothing to do with any election and is clearly not an endorsement.

You also asked that I certify that I am counsel for The American Legion. As National Judge Advocate of The American Legion, I am the general counsel. I am a "licensed" attorney in Pennsylvania, Maryland, D.C. and Indiana.

Very truly yours,

  
P. B. O'NDERDONK, JR.  
National Judge Advocate

cc: Jeff S. Jordan, Supervisory Attorney