



# THE FEDERAL ELECTION COMMISSION

# RECORD

1325 K Street N.W., Washington, D.C. 20463

Volume 5, Number 10

October 1979

## REPORTS

### THIRD QUARTERLY REPORT

All candidates for Federal office (except those who have received a personal reporting waiver) who are not on the ballot during this calendar year and all of their authorized committees must file a quarterly report by October 10, 1979, if the candidate and the committees together received contributions and made expenditures exceeding \$5,000 during the period from July 1, 1979, to September 30, 1979. (Contributions and expenditures include debts incurred and debts extinguished or forgiven.) All other political committees (except monthly filers) must file the quarterly report if either contributions or expenditures (including debts incurred and debts extinguished or forgiven) exceeded \$1,000 during this period.

Candidates and committees must use one of the following forms:

- Form 3a: Candidates and committees whose financial activity for the quarter did not exceed one of the reporting thresholds must file the postcard exemption form (FEC Form 3a) or a letter with the same information. Note, however, that candidates and committees who already filed a postcard form for both the April 10 and July 10 quarterly reporting periods or just for the July 10 quarterly reporting period, and who still have not exceeded the appropriate reporting threshold (above), need not file another postcard for this reporting period.
- Form 3P: Presidential candidates and their committees whose financial activity exceeded the reporting thresholds must file their report on Form 3P (with supporting schedules).
- Form 3: All other candidates and committees whose financial activity exceeded the reporting thresholds should file their report on Form 3 (with supporting schedules).

The quarterly report is due on or before October 10, 1979. Reports sent by registered or certified mail must be post-marked no later than midnight, October 10. The report

must include all reportable transactions occurring between July 1, 1979, and September 30, 1979, or from the date of registration (if after July 1) through September 30, 1979. If a candidate or committee filed a postcard form for any previous quarterly report in 1979, and the appropriate reporting threshold was met for the October 10 quarterly reporting period, the October 10 report must disclose all reportable transactions that occurred between the last full quarterly report filed and September 30, 1979.

Political committees filing on a monthly basis need not file the quarterly reports, but must file reports by the 20th of each month covering all transactions for the previous month.

Reports should be filed with the Clerk of the House, the Secretary of the Senate or the Federal Election Commission, as appropriate. Copies of the report must also be filed with the Secretary of State or equivalent State officer in the appropriate State.

Filers must submit legible reports that can be reproduced clearly; candidates or committees who file illegible or barely legible reports will be required to refile.

A notice containing additional information, as well as forms, has been sent to all registered candidates and committees. Questions about the notices or requests for additional forms should be addressed to the Office of Public Communications, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463; or telephone 202/523-4068, toll-free 800/424-9530.

### OFFICE ACCOUNT REPORTS

All Federal officeholders, and State officeholders who are candidates for Federal office, who have maintained office accounts under the Federal Election Campaign Act (and Part 113 of the FEC Regulations) during the period April 1, 1979, through September 30, 1979, are required to file an office account report (on FEC Form 8) by October 15, 1979. The report should be filed with the Clerk of the House of Representatives, the Secretary of the Senate or the Federal Election Commission, as appropriate. If you have questions, please contact the Office of Public Communications, 202/523-4068 in the Washington metropolitan area, or call toll-free 800/424-9530.

# OPINIONS

## CONSIDERATION OF ADVISORY OPINION REQUESTS

From time to time, the Commission is asked to respond to an advisory opinion request which, although submitted by a person who has standing to request an advisory opinion, presents a factual situation that occurred before the request was submitted. To clarify how the Commission handles this and other types of requests, procedures were adopted on July 12, 1979, which define the circumstances under which the Commission will accept advisory opinion requests. To be considered by the Commission, advisory opinion requests must be:

1. Received before the factual situation presented in the request has occurred; or
2. Submitted as part of the requester's "best efforts" to determine the legality of a contribution that has been conditionally accepted; or
3. Submitted in circumstances which present a continuing factual situation with possible compliance consequences. For example, a request involving a payroll deduction system could be presented after the system had been operating for a period of time.

## ADVISORY OPINION REQUESTS

The following chart lists recent Advisory Opinion Requests (AOR's), with a brief description of the subject matter, the date the requests were made public and the number of pages of each request. The full text of each AOR is available to the public in the Commission's Office of Public Records.

AOR	Subject	Date Made Public	No. of Pages
1979-44	Solicitation of executive and administrative personnel of the parent company, and all subsidiaries of the parent, by the separate segregated fund of one subsidiary.	8/15/79	2
1979-45	Formation of State Senatorial General Election Committee(s) by National Republican Senatorial Committee.	8/15/79	2
1979-46	Campaign contributions and office account donations by multicandidate committee.	8/16/79	1

AOR	Subject	Date Made Public	No. of Pages
1979-47	Allocation, between State and Federal candidates, of political committee's receipts and expenditures for voter survey.	8/16/79	6
1979-48	Corporation's payment for nonpartisan advertisement encouraging voter registration.	8/23/79	2
1979-49	Contribution and expenditure limitations of unauthorized draft committee for Presidential candidate.	9/4/79	1
1979-50	Solicitation by union's separate segregated fund of employees who are not union members.	9/5/79	2
1979-51	Reporting and termination obligations of "exploratory" committee.	9/5/79	1
1979-52	Candidate's use of aircraft owned by corporation of which he is sole owner.	9/10/79	2
1979-53	Use of multiple checking accounts by committee.	9/11/79	2

## ADVISORY OPINIONS: SUMMARIES

Designated as AO's, Advisory Opinions discuss the application of the Act or Commission Regulations to specific factual situations. Any qualified person requesting an Advisory Opinion who in good faith acts in accordance with the opinion will not be subject to any sanctions under the Act. The opinion may also be relied upon by any other person involved in a specific transaction which is indistinguishable in all material aspects from the activity discussed in the Advisory Opinion. Those seeking guidance for their own activity should consult the full text of an Advisory Opinion and not rely only on the summary given here.

### AO 1979-35: Joint Fundraising Effort

The Democratic Senatorial Campaign Committee (DSCC) may conduct a joint fundraising effort in cooperation with certain Democratic Senate candidates, provided that the DSCC adheres to those recordkeeping and reporting procedures which DSCC proposed to the Commission. The effort will involve giving art prints to contributors who donate a certain amount to the DSCC in conjunction with a particular candidate. Under the proposed procedures, the DSCC will act as the authorized agent of the candidates. The DSCC will establish a special account which

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will be designated as an additional campaign depository by each participating candidate. The DSCC will report the proceeds received into the special account and, after the fundraising expenses have been paid, will distribute the appropriate share to each candidate. Each candidate's principal campaign committee will report its share of contributions received. In addition to approving the procedures proposed by the DSCC, the Commission noted that the following procedures would also be required:

1. The DSCC, as agent of the participating candidates, must deposit all contributions into the special account within ten days of their receipt.
2. The DSCC must report gross proceeds received into the account and distribute to each participating candidate his or her appropriate share of the net proceeds (gross contributions less allocable share of fundraising costs). Since DSCC will make all fundraiser expenditures, the allocation of fundraising costs must be made on the same basis as the allocation of proceeds to avoid the making of an in-kind contribution by DSCC to any participating candidate. The candidates' committees need not report fundraiser expenditures, provided that they are reported by DSCC.
3. The DSCC must report all relevant contributor information on Schedule A and disclose all fundraiser expenditures on Schedule B. In addition, the DSCC must report the distribution of net proceeds to each candidate as a transfer out, and note (on Schedule B) that the proceeds were the result of a joint fundraising effort with the particular candidate.
4. The DSCC must furnish each candidate's principal campaign committee with aggregate contributor information, including the candidate's share of each gross contribution received and reported by DSCC.
5. Each candidate's principal campaign committee must report the actual amount of the transfer received from the DSCC as a transfer in. In addition, each principal campaign committee must itemize (as a memo to Schedule A) the candidate's share of each gross contribution received by DSCC if that share, together with previous contributions from the same donor during the same calendar year, exceeds \$100.

The Commission noted that the artist's services in creating the original work of art from which the prints are made would constitute a volunteer service rather than an in-kind contribution to the fundraising effort. 2 U.S.C. §431(e)(5)(A). (Date Issued: August 17, 1979; Length: 5 pages)

#### AO 1979-39: Fundraisers' Commissions

The Crane for President Committee (the Committee) must treat the gross amount of all contributions, which are the result of solicitations by its agent, including amounts deducted to pay commissions to fundraisers, as the amount received by the Committee regardless of whether:

1. The fundraiser turns the gross amount of the contribution over to the Committee and the Committee subsequently pays the fundraiser's commission; or
2. The fundraiser turns the net amount of the contribution over to the Committee, after the fundraiser has deducted his commission.

In either situation, the entire amount contributed must be treated as the contribution received by the Committee. The agent's commission, which is a percentage of the total contribution, represents part of the cost of fundraising. Commission Regulations provide that donation of all or a part of fundraising costs are included in the definition of "contribution." 11 CFR 100.4(a)(2). (Date Issued: August 17, 1979; Length: 2 pages)

#### AO 1979-40: Financial Activities of Unauthorized Committee

The Florida for Kennedy Committee (FFKC), an unauthorized political committee formed to draft Senator Edward Kennedy as a 1980 Presidential candidate, may receive from each individual and each political committee up to \$5,000 in contributions per calendar year. FFKC's expenditures are not limited by the Act.

*Contribution Limitations:* Since Senator Kennedy is not a Presidential candidate and because FFKC is not established or maintained by a national political party, the \$5,000 limit on contributions "to any other political committee" governs contributions to the FFKC. 2 U.S.C. §441a(a)(1)(c).

*Expenditure Limitations:* The Act does not prescribe limits for the expenditures proposed by FFKC. There are no limits on independent expenditures. Limits apply only if expenditures constitute contributions in-kind. Although expenditures by FFKC are not independent expenditures because Senator Kennedy is not a candidate, the limits still do not apply, because they are not contributions in-kind either. Since Senator Kennedy has not consulted with FFKC and has disavowed its activities on his behalf, the expenditures by FFKC are not in-kind contributions.

The Commission declined to answer FFKC's hypothetical question regarding the effect which contributions to FFKC would have on the contributors' right to make contributions to Senator Kennedy should he eventually become a candidate. Advisory opinions address only specific, factual situations. (Date Issued: August 17, 1979; Length: 4 pages)

#### ALTERNATIVE DISPOSITION OF ADVISORY OPINION REQUESTS

Since August 1979, the Commission has responded to the following Advisory Opinion Requests in a manner other than the issuance of Advisory Opinions.

AOR 1978-62: Requester does not have standing to request Advisory Opinion.

# COMPLIANCE

## SUMMARY OF MUR's

In June, the *Record* began to summarize the files of selected compliance cases which have been closed and put on the public record. Compliance matters stem from possible violations of the Act, which come to the Commission's attention either through formal complaints originating outside the Commission or by the FEC's own monitoring procedures. The Federal Election Campaign Act of 1971, as amended (the Act) gives the FEC the exclusive primary jurisdiction for the civil enforcement of the Act. Potential violations are assigned case numbers by the Office of General Counsel and become "Matters Under Review" (MUR's). All MUR investigations are kept confidential by the Commission, as required by the Act.

MUR's may be closed at any one of several points during the enforcement process, including when the Commission:

- Determines that no violation of the Act has occurred;
- Determines that there is no reason to believe, no reasonable cause to believe or no probable cause to believe a violation of the Act has occurred;
- Enters into a conciliation agreement with the respondent;
- Finds probable cause to believe a violation has occurred and decides to sue; or
- Decides at any point during the enforcement process to take no further action.

After the MUR is closed and released by the Office of General Counsel, the Commission makes the MUR file available to the public. This file contains the complaint, the findings of the General Counsel's Office and the Commission's actions with regard to the case, including the full text of any conciliation agreement. The Commission's actions are not necessarily based on, or in agreement with, the General Counsel's analysis.

Selection of MUR's for summary will be made only from MUR's closed after January 1, 1979. The *Record* article will not summarize every stage in the compliance process. Rather, the summary will provide only enough background to make clear the Commission's final determination. The full text of these MUR's and those which were closed between 1976 and 1978 are available for review and purchase in the Commission's Public Records Office.

### MUR 534: Prohibited Contributions

On January 9, 1979, the Commission entered into conciliation agreements with a trade association and its separate segregated fund. Both had been in violation of 2 U.S.C. §441b(a).

*Complaint:* During the course of a routine report analysis, it was discovered that a trade association had transferred \$1,100 to its political action committee. Shortly after the transfer, the political action committee contributed \$1,000 to a congressional campaign committee.

*General Counsel Reports:* The ensuing Commission investigation revealed that the transfer was authorized by the trade association's Board of Directors after the Board had decided to support a Federal candidate, in violation of §441b(a). The General Counsel pointed out that the political action committee had apparently been used as a conduit for a corporate contribution. Therefore, he recommended that the Commission find reason to believe that the association had violated §441b(a) by making a corporate contribution in connection with a Federal election, and that the political action committee had violated §441b(a) by accepting a corporate contribution to be used in connection with a Federal election. Further investigation by the Commission revealed no evidence to suggest that the candidate, to whom the illegal contribution was made, was aware of the corporate origin of the committee's contribution.

*Commission Determination:* On January 9, 1979, the Commission entered into conciliation agreements with the association which had directed the transfer of funds and the political action committee which had accepted the funds. Civil penalties were assessed in both cases.

### MUR 597 (78): Excessive Contributions

On January 11, 1979, the Commission approved conciliation agreements with seven individuals who had violated the contribution limitations of 2 U.S.C. §441a(a)(1)(A) and with a committee which had violated the limits of 2 U.S.C. §441a(f).

*Complaint:* During an audit of a candidate's campaign committee, the Audit Division discovered that:

1. The chairman of the committee had obtained, on behalf of the committee, a \$20,000 bank loan. Eight individuals, including the candidate, had guaranteed the loan with each guarantor assuming a pro rata share of \$2,500;
2. Seven of the noncandidate guarantors had also made additional contributions to the committee;
3. An eighth contributor donated \$1,000 to the committee and subsequently made in-kind contributions which totaled \$274; and
4. Two contributions were received from an apparent corporation.

On June 1, 1978, the Commission found reason to believe that the seven noncandidate loan guarantors and the individual who made the in-kind contributions had violated the contribution limitations of §441a(a)(1)(A); that the corporation which made the contribution to the committee

had violated §441b(a); and that the committee had violated both §441b(a), by accepting a corporate contribution, and §441a(f), by accepting excessive contributions.

*General Counsel Reports:* The Commission investigation of the bank loan revealed that eight guarantors executed a counter letter in which each signatory guaranteed payment of 1/8 share (\$2,500) of the \$20,000 loan if campaign funds proved insufficient to repay the bank. The General Counsel maintained that the signing of the counter letter was the equivalent of a \$2,500 contribution by each guarantor because:

1. The Act's definition of "contribution" includes guarantees of loans (§431(e)(1)(A)), and Commission Regulations provide that a loan is a contribution to the extent the obligation remains outstanding and to the extent the risk of nonpayment rests with a guarantor as well as with the primary obligor. 11 CFR 100.4(a)(1)(i). By virtue of the counter letter, the cosigners shared in the risk of nonpayment of the outstanding obligation; although only the Chairman was liable to the bank, the cosigners were liable to the Chairman.
2. Commission Regulations also provide that a contribution directed through an intermediary (in this case, the Chairman) is still a contribution from the individual to the Committee. The guarantors' payments to the Committee rather than to the Chairman, and the Committee's characterizations of its eventual reimbursements to the guarantors as "loan refunds" are evidence that the loan was intended for the Committee and directed through the Chairman.

The Commission investigation also revealed that the suspected corporate contributions were not corporate contributions but were salary advances, which made them contributions by individuals. This determination was based on the Commission's July 1978 policy statement concerning personal drawing accounts.

*Commission Determination:* On October 23, 1978, the Commission found reasonable cause to believe that the loan guarantors had violated the contribution limitations of §441a(a)(1)(A), and that the committee had violated §441a(f) by accepting the excessive contributions. The Commission also found reasonable cause to believe that the

individual who had made in-kind contributions in addition to the \$1,000 contribution had violated §441a(a)(1)(A). On January 11, 1979, the Commission entered into conciliation agreements with six of the individual respondents and with the committee. On January 25, 1979, the Commission entered into a conciliation agreement with the seventh respondent. (The eighth respondent died during the course of the investigation.) In all cases, civil penalties were levied against the respondents.

#### **MUR 780: Coordinated Party Expenditures**

On January 19, 1979, the Commission found no reason to believe that the national senatorial committee of a political party had violated the coordinated party expenditure limitations of 2 U.S.C. §441a(d). On November 2, 1978, the Commission had determined that there was no reason to believe that a candidate's campaign committee had violated the Act by unlawfully benefitting from such expenditures.

*Complaint:* On October 26, 1978, an unaffiliated multi-candidate committee filed a complaint against the principal campaign committee of a U.S. Senate candidate and the national senatorial committee of a political party. The complaint alleged that:

1. The senatorial committee exceeded its authority under §441a(d) by making coordinated party expenditures in connection with the particular Senate campaign as agent of both a State party committee and the National party committee. The complainant conceded that AO 1976-108 had established the principle that a National party committee may designate a National congressional campaign committee to make its §441a(d) expenditures, but asserted that the opinion had not suggested that a State party committee could also designate the National congressional campaign committee for that purpose.
2. The principal campaign committee on whose behalf the senatorial committee made these excessive expenditures illegally benefitted from them.

*General Counsel Reports:* Commission Regulations (11 CFR 110.7(a)(4)) specifically grant to the National committee of a political party the right to designate an agent to make authorized §441a(d) expenditures on its behalf.

*continued*

### **CHANGE OF ADDRESS**

*Record* subscribers, when calling or mailing in a change of address, are asked to provide the following information: 1) Name of person to whom the *Record* is sent; 2) Old address; 3) New address; 4) Subscription number.

The subscription number is located in the upper left hand corner of the mailing label. It consists of three letters and five numbers. Without this number, there is no guarantee that your subscription can be located on the computer.

**NOTE:** Registered candidates and committees are automatically sent the *Record* and do not have this subscription number on their mailing labels. Any change of address by a registered entity must, by law, be made in writing as an amendment to FEC Form 1 (Statement of Organization for a Political Committee) or FEC Form 2 (Statement of Candidate), and be placed on the public record.

While the Regulations do not specifically grant that same authority to a State committee, neither do they prohibit it. In the absence of any specific prohibition, the General Counsel did not consider such designation improper. The General Counsel recognized the possibility that such an arrangement potentially would allow the senatorial committee to expend, from its own resources, an amount twice as great as its own §441a(d) expenditure limitation. However, it was noted that another principle established in AO 1976-108 was applicable to this situation: since 2 U.S.C. §441a(a)(4) permits unlimited transfers of funds between and among political committees which are National and State committees of the same political party, it is immaterial which committee's funds are expended under §441a(d).

Therefore, the General Counsel concluded that the senatorial committee acted properly in making §441a(d) expenditures on behalf of a particular campaign as agent of both the State and National committees.

With respect to the candidate's principal campaign committee, the General Counsel pointed out that nothing in the Act or Regulations specifically prohibits the candidate from "benefitting" from the Committee's expenditures. Therefore, the General Counsel recommended that the Commission find no reason to believe the candidate's committee had violated the Act as alleged in the complaint.

*Commission Determination:* On November 2, 1978, the Commission found no reason to believe the candidate's principal campaign committee had violated the Act. On January 19, 1979, the Commission found no reason to believe that the senatorial committee had violated §441a(d) and voted to close its investigation.

## THE LAW IN THE COURTS

### LITIGATION STATUS INFORMATION

The following is a list of new litigation involving the Commission, together with the date the suit was filed, the Court involved, the Docket Number and a brief description of the major issue(s) involved in the case. Persons seeking additional information on a particular case should contact the Court where the suit is filed or the Commission.

**FEC v. Marjorie Bell, Bell for Senate Committee, Andrew P. Napolitano, Treasurer of the Bell for Senate Committee, James S. Wagner, Office Administrator and Secretary/Assistant Treasurer of the Bell for Senate Committee, U.S. District Court for the District of Columbia, Docket No. 79-1891, July 20, 1979.**

The FEC alleges that Marjorie Bell violated the contribution limits of 2 U.S.C. §§441a(a)(1) (A) and 441a(a)(3); and that the Bell Committee and its officers violated 2 U.S.C. §441a(f) by knowingly accepting excessive contributions, and 2 U.S.C. §434(b) by failing to report the source of those contributions.

**FEC v. Angelo Gambino, U.S. District Court for the District of Columbia, Docket No. 79-1897, July 23, 1979.**

The FEC alleges that the defendant violated the requirements of the conciliation agreement he entered into with the Commission pursuant to 2 U.S.C. §437g(a)(5) for violations of 2 U.S.C. §§432, 434 and 441b.

### COMMITTEE TO ELECT LYNDON LA ROUCHE v. FEC

On August 23, 1979, the U.S. Court of Appeals for the District of Columbia upheld the Commission's action in denying primary matching fund payments to Lyndon La Rouche, candidate of the U.S. Labor Party, during the 1976 Presidential primary campaign.

In October 1976, Mr. La Rouche "certified" to the Commission that he had met the eligibility requirement to receive primary matching funds by having raised at least \$5,000, in contributions of \$250 or less, in each of at least 20 States. Because this "certification" was in the form of a one-page notarized statement, the Commission requested further financial information to support this statement. Later that month, the candidate's principal campaign committee, the Committee to Elect Lyndon La Rouche (CTEL), submitted a computer printout listing contributions in excess of the threshold. Once again, however, the Commission received no supporting documentation of the listed contributions. A subsequent Commission audit, initiated to verify Mr. La Rouche's eligibility, raised substantial questions as to whether many contributions had been made by residents of the States to which they were attributed. After further investigation and an expanded audit, the Commission determined on February 10, 1977, that Mr. La Rouche had not met the threshold requirement in at least two States. Accordingly, the Commission ruled that Mr. La Rouche was not entitled to primary matching funds. On February 14, 1977, CTEL filed suit challenging the Commission's decision.

CTEL argued that the Commission had overstated both the candidate's burden in establishing eligibility and its own role in certifying eligibility. As a result, CTEL maintained, the Commission had violated the Act by denying matching funds to Mr. La Rouche. To establish eligibility, CTEL asserted, the candidate need only "attest authoritatively" in good faith and with knowledge that he has met the threshold. The Commission's role in the certification process is limited to ensuring that the candidate has so attested. CTEL also objected to the Commission's investigative procedures in determining Mr. La Rouche's ineligibility.

The Commission argued that the candidate must not merely attest, but demonstrate to the Commission's satisfaction that he has adequate documentation to support his contention that the threshold has been met. Furthermore, the Commission maintained it is empowered not only to review documentation supplied by the candidate, but also to audit records or campaign contributions and to verify reported contributions by interviewing individual contributors, if necessary.

To properly determine the respective roles of the candidate and the Commission in the certification process, the Court focused on two relevant concerns: Congress's intent, on the one hand, to withhold public funds from frivolous candidates and its desire, on the other, to provide prompt payment to serious candidates. The best way to accommodate these two objectives, the Court determined, is to construe the Act as the Commission had. Since Congress established eligibility thresholds, it could also impose reasonable procedures to ensure that those thresholds were met. The Commission's approach, the Court pointed out, involves an objective standard, which ensures that eligibility criteria will be applied to all candidates in an equitable manner.

Although the Commission acted *ultra vires* in conducting a premature audit, the Court found the Commission's actions reasonable and nonprejudicial. Therefore, since Mr. La Rouche's submissions fell far short of the documentation required to establish his eligibility, the Court concluded that the Commission had acted properly in not approving matching funds.

#### FEC v. COMMITTEE TO ELECT LYNDON LA ROUCHE, et al.

On August 23, 1979, the U.S. Court of Appeals for the District of Columbia upheld three actions of the District Court for the District of Columbia in an appeal which had been filed on September 28, 1977, by the Committee to Elect Lyndon La Rouche, the National Caucus of Labor Committees, the New Solidarity International Press Service, Inc., and Campaigner Publications Inc. This was an appeal from an order of the District Court enforcing subpoenas issued by the FEC during the investigation of Lyndon La Rouche's eligibility for primary matching funds (see above). In upholding the District Court's action, the Court of Appeals maintained that:

1. The District Court had jurisdiction to determine this case despite appellants' argument that the District of Columbia was not the place where the Commission's inquiry took place. The Court maintained that the Commission was conducting a nationwide investigation from its national office in the District of Columbia and should be afforded broad discretion, "within the bounds of reasonableness," in selecting this jurisdiction as its place of inquiry.
2. The District Court had personal jurisdiction over the appellants despite the fact that they were served in New York rather than in the District of Columbia. The Court pointed out that the scope of the Commission's responsibilities is nationwide and its power is sufficiently broad to warrant an implied grant of authority for extraterritorial service of process under 2 U.S.C. §437(b).

3. The District Court had not denied the appellants an opportunity to demonstrate that the Commission had issued the subpoenas in retaliation for two suits which the appellants had brought against the Commission. The Court of Appeals pointed out that the appellants could not have been denied such an opportunity since they had never requested it.

The above appeal was argued with *Le Roy B. Jones, et al. v. FEC*. In *Jones*, the appellants repeated numerous constitutional, statutory and common law claims originally stated in their initial suit. The claims arose from the Commission's field interviews of La Rouche contributors, the manner in which the interviews were conducted and the scope of the questions asked. The District Court had granted summary judgment to the FEC. The Court of Appeals upheld the District Court's action with respect to all but two of the allegations. The Court of Appeals determined that the District Court had erred in granting summary judgment with regard to the appellants' claim that the Commission had inquired during field interviews into issues bearing no relation at all to the subject matter of an otherwise legitimate investigation into a candidate's eligibility to receive primary matching funds; and appellant Jones' claim that he was subjected to a warrantless seizure of certain financial documents and bank records. These allegations were remanded to the District Court for factual determinations. In all other respects, the Court affirmed the decision under review.

## FEDERAL REGISTER NOTICES

The following list identifies all FEC documents which appeared in the *Federal Register* between July 5, 1979, and September 5, 1979:

Notice	Title	Federal Register Publication Date	Citation
1979-10	Clearinghouse Advisory Committee; Notice of Hearing.	8/20/79	44 FR 48937
1979-11	Contributions to and Expenditures by Delegates to National Party Nominating Conventions; Notice of Proposed Rule-making.	9/5/79	44 FR 51962

## AUDITS

### AUDITS RELEASED TO THE PUBLIC

The Federal Election Campaign Act requires the Commission to periodically conduct audits and field investigations with respect to reports and statements filed under the Act. The Commission is also required to conduct audits of all campaigns of Presidential candidates who receive public funds. Audit reports which have been approved by the Commission, either through a tally vote or after discussion in open session, are released as **final audit reports**. If an audit report has been discussed in open session, but has not been approved by the Commission, the report is available as an **interim audit report**. Both final and interim reports are available through the Office of Public Records and Press Office. In the list below, interim reports are designated by an asterisk (\*). All others are final audit reports. The following is a chronological listing of audits released between August 6, 1979, and September 4, 1979:

Audit Report	Date Made Public
1. Texas Democratic Voter Registration Committee	8/7/79
2. Republican State Central and Executive Committee of Ohio	8/9/79
3. Committee to Elect Jim Madrid, CA/25	8/9/79
4. American Party	8/17/79
5. Goodman for Congress, NC/9	8/24/79
6. Nebraska Democratic State Central Committee	8/24/79

## PUBLIC FINANCING

### CONVENTION FINANCING CERTIFICATION

On August 16, 1979, the Commission approved the Democratic National Committee's request for public funds for its nominating convention, and certified to the Secretary of the Treasury that the Committee was entitled to an initial payment of \$300,000.

### FEC PUBLIC APPEARANCES

In keeping with its objective of making information available to the public, the Federal Election Commission regularly accepts invitations to address public gatherings on the subject of campaign finance laws and the Commission itself. This regular column lists scheduled Commission appearances, detailing the name of the sponsoring organization, the location of the event and the name of the Commission's speaker. For additional information on any scheduled appearance, please contact the **sponsoring organization**.

- 10/15 Washington Journalism Center  
Conference for Journalists on Politics 1980  
Washington, D.C.  
Chairman Robert O. Tiernan
- 10/30 Los Angeles Bar Association  
Los Angeles, California  
Chairman Robert O. Tiernan  
Commissioner Joan D. Aikens

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