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5/11/76

APPROVED  
MAY 11 1976  
Statement issued  
5/11/76

THE WHITE HOUSE  
WASHINGTON

May 11, 1976

MR PRESIDENT:

Enrolled Bill S. 3065 - Federal Election  
Campaign Act Amendments of 1976

Attached at TAB A is the Enrolled Bill report covering S. 3065 designed to reconstitute the Federal Election Commission as an independent executive branch agency.

At TAB B is S. 3065 for your signature.

A signing statement is at TAB C and has been approved by Messrs. Buchen, Marsh, Hartmann, Bennett, Gergen, Duval and Visser.

Approve Statement MC7 Disapprove Statement \_\_\_\_\_

Jim Connor



Posted  
5/11/76  
To Archives  
5/12/76





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

MAY 5 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3065 - Federal Election Campaign Act  
Amendments of 1976  
Sponsor - Sen. Cannon (D) Nevada

Last Day for Action

May 17, 1976



Purpose

To reconstitute the Federal Election Commission as an independent executive branch agency, with members appointed in accordance with the requirements of the Constitution, and to amend certain other provisions of law relating to the financing and conduct of election campaigns.

Discussion

The enrolled bill, as reported out of Conference on April 28, 1976, passed the House by a roll call vote of 291-81 and the Senate by 62-29.

S. 3065 greatly exceeds the scope of the legislation you proposed to the Congress on February 16, 1976. That legislation, introduced in the Senate as S. 2987 by Sen. Griffin, would have (a) reconstituted the Commission's membership in accordance with the Supreme Court decision in Buckley v. Valeo and (b) limited the application of the laws administered by the Commission to the 1976 elections. This would have allowed for later consideration of a comprehensive and carefully considered election reform bill.

Mr. Buchen has given you several memorandums that discuss the bill in detail and analyze its various implications. In addition, the Department of Justice, in the attached views letter, sets forth several problems in the bill which, as they relate to separation of powers and enforcement, Justice believes are sufficiently serious to justify a veto:

- Separation of powers: congressional power to review and veto proposed regulations of the Commission, and retention of the Secretary of the Senate and Clerk of the House as members of the Commission, albeit without a vote.
- Enforcement problems: negotiation and compromise by the Commission of willful violations of criminal statutes.
- First Amendment issues: limitations on corporate management and union solicitations, and restrictions on the use of corporate and union funds in non-partisan activities.
- Statute of limitations: retention of an inadequate three-year period as opposed to the general Federal statute of limitations of five years.

Whether or not these concerns of Justice are outweighed by other considerations surrounding the bill as presented to you by Mr. Buchen is a question on which we defer to your principal advisers on this bill.



*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures

STATEMENT BY THE PRESIDENT



After extensive consultation and review, I have decided that the Federal Campaign Act Amendments of 1976 warrant my signature.

I am therefore signing those amendments into law this afternoon. I will also be submitting to the Senate for its advice and consent the nominations of six persons to serve as members of the reconstituted Commission.

Shortly after the Supreme Court ruled on January 30 that the Federal Election Commission was invalid as then constituted, I made it clear that I favored a simple reconstitution of the Commission because efforts to amend and reform the law could cause massive confusion in election campaigns that had already started.

The Congress, however, was unwilling to accept my straightforward proposal and instead became bogged down in a controversy that has now extended for more than three months.

In the process, efforts were made to add several provisions to the law which I thought were thoroughly objectionable. These suggested provisions would have further tipped the balance of political power to a single party and to a single element within that party. I could not accept those provisions under any circumstance and I so communicated my views to various Members of the Congress.

Since that time, to my gratification, those features of the bill have been modified so as to avoid in large measure the objections I had raised.

Weighing the merits of this legislation, I have found that the amendments as now drafted command widespread, bipartisan support in both Houses of Congress and by the Chairpersons of both the Republican National Committee and the Democratic National Committee.

I still have serious reservations about certain aspects of the present amendments. For one thing, the bill as presently written will require that the Commission take additional time to consider the effects which the present amendments will have on its previously issued opinions and regulations.

A more fundamental concern is that these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge the constitutionality of this provision at the earliest possible opportunity.

Recognizing these weaknesses in the bill, I have nevertheless concluded that it is in the best interest of the Nation that I sign this legislation. Considerable effort has been expended by members of both parties to make this bill as fair and balanced as possible.

Moreover, further delay would undermine the fair and proper conduct of elections this year for seats in the U.S. Senate, the House of Representatives and for the Presidency. Effective regulation of campaign practices depends upon the existence of a Commission with valid rulemaking and enforcement powers. It is critical that we maintain the integrity of our election process for all

Federal offices so that all candidates and their respective supporters and contributors are bound by enforceable laws and regulations which are designed to control questionable and unfair campaign practices.

I look to the Commission, as soon as it is reappointed, to do an effective job of administering the campaign laws equitably but forcefully, and in a manner that minimizes the confusion which is caused by the added complexity of the present amendments. In this regard, the Commission will be aided by a newly provided civil enforcement mechanism sufficiently flexible to facilitate voluntary compliance through conciliation agreements and, where necessary, penalize noncompliance through means of civil fines.

In addition, the new legislation refines the provisions intended to control the size of contributions from a single source by avoiding proliferation of political action committees which are under common control. Also, this law strengthens provisions for reporting money spent on campaigns by requiring disclosure of previously unreported costs of partisan communications which are intended to affect the outcome of Federal elections.

Following the 1976 elections, I will submit to the Congress legislation that will correct problems created by the present laws and make additional needed reforms in the election process.



**Department of Justice**  
**Washington, D.C. 20530**

May 4, 1976

Honorable James T. Lynn  
Director, Office of Management and Budget  
Washington, D. C. 20503



Dear Mr. Lynn:

This is in response to your request for our views on H. Rep. No. 1057, the Conference Report on S. 3065, the Federal Election Campaign Act Amendments of 1976. 122 Cong. Rec. (daily ed.) H 3576-98.

Should S. 3065, as reported by the Conference Committee, be passed by both Houses, we believe that the following aspects of the bill, as they relate to both constitutional issues and enforcement problems of the Department of Justice, should be considered by the President in deciding whether to approve the bill:

1. The bill continues certain separation of powers problems.

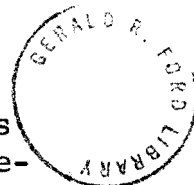
a. Section 108 amends the powers of the Federal Election Commission as they relate to advisory opinions. It provides that a "general rule of law" not stated in the Act or in specified chapters of the Internal Revenue Code may only be proposed by the Commission as a rule or regulation pursuant to the procedures established by §315(c) of the Act. Advisory opinions issued prior to the proposed amendment must be set forth in proposed regulations within 90 days after the enactment of the amendments.

The net effect of this provision is to narrow the function of advisory opinions and broaden the function of regulations. Commission regulations are subject to disapproval by a single House of Congress. 2 U.S.C. §438(c).

When the President's bill was drafted, S. 2987, an Administration decision was made (contrary to the recommendation of the Office of Legal Counsel of this Department) not to propose deletion of the device for disapproval of regulations by either House of Congress because the proposal would be controversial. Nevertheless, the President stated in his Message to Congress that he thought that the provision was unconstitutional, Federal Election Campaign Act Amendments, 1976, Hearing before the Subcommittee on Privileges and Elections of the Senate Rules and Administration Committee, 94th Cong., 2d Sess., p. 134 (1976), and Assistant Attorney General Scalia (in charge of the Office of Legal Counsel) reiterated his "strenuous objection", at the Senate hearing. Id. at 133.

The proposed amendment would have the practical effect of contracting the independent powers of the Commission and expanding the practical significance of the congressional veto, making it more objectionable than previously. The Supreme Court declined to rule on the one-House veto provision involved in Buckley v. Valeo because the Commission, as constituted, could not validly exercise rule making powers. 96 S. Ct. 612, 692, n. 176 (1976). However, the spirit of the Buckley decision is that Congress should not engage in executing laws as opposed to enacting them. 96 S. Ct. at 682ff. This is entirely consistent with the position we have taken on the unconstitutionality of legislative veto of regulations. For general presentations on the subject see the statements by Assistant Attorney General Scalia in Congressional Review of Administrative Rulemaking, Hearings before the Subcommittee on Administrative Law and Governmental Relations, House Judiciary Committee, 94th Cong., 1st Sess., 373 (1975); and on Reform of the Administrative Procedure Act before the Subcommittee on Administrative Practice and Procedure, Senate Judiciary Committee, April 28, 1976.

It should also be noted that for the Commission to



decide individual cases properly without setting forth "general rules of law," will be difficult. This is an exceedingly artificial requirement, designed, of course, to keep the adjudicative function of the Commission as closely as possible within congressional control.

b. Section 101 of the bill provides that the Commission shall be composed of the Secretary of the Senate and the Clerk of the House, ex officio and without the right to vote, and six members appointed by the President with the advice and consent of the Senate. Although the holding of Buckley would be met by this provision since the President must appoint the voting members, the constitutional question still exists as to whether the two legislative officers, the Clerk of the House and the Secretary of the Senate, can remain on the Commission.

The President's bill provided for their elimination from the Commission, and Assistant Attorney General Scalia testified in the Senate hearing that their presence on the Commission would be both unconstitutional and an unwise precedent. The connection of the two ex officio members to the legislature is, of course, even closer than that of the members who the court held were unconstitutionally appointed, since they are not only appointed by Congress but also paid by it and removable by it. See Federal Election Campaign Act Amendments, 1976, Hearing, supra, pp. 119-20, 135-36 (1976). At the time that S. 3065 was reported by the Rules Committee, three minority members took exception to the fact that the bill failed to address the problems of legislative officers serving on an executive commission. S. Rep. No. 94-677, p. 62 (1976).

## 2. Enforcement problems.

The enforcement section, as amended (Sec. 109), would weaken all of the present statutes dealing with campaign finance violations (18 U.S.C. §§608-617) by enabling the Commission to dispose of even willful



violations through nonjudicial means. We strenuously object, in principle, to the concept that the existence or non-existence of willful violations of criminal statutes should be the subject of negotiation and compromise with the Commission.

### 3. First Amendment issues.

Among other things, §112 of the bill would move 18 U.S.C. §610 to the Federal Election Campaign Act (FECA), making it §321. It would alter the existing exceptions to the general bar on corporate or union contributions in the following ways:

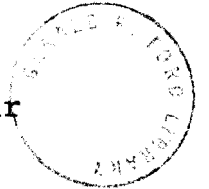
a. It would impose restrictions on the categories of persons which "segregated funds," supported with corporate or union assets, can lawfully solicit. Generally, corporate funds would be allowed to solicit only corporate stockholders and management or supervisory personnel, and their families while union funds would be allowed to solicit only union members and their families. (Section 112 adding §321(b)(4)(A) to the FECA). A corporate fund nevertheless would be permitted to solicit unionized employees and their families only twice a year, and a union fund would be permitted to solicit management personnel and stockholders only twice a year. Section 112 adding §321(b)(4)(B) to the FECA. Neither union nor corporate segregated funds are permitted to solicit persons who are not employees or shareholders of the business entity with which the fund in question (be it union or corporate) is associated.

Restrictions such as these pose questions of deprivation of associational rights protected by the First Amendment. A 1948 decision, United States v. C.I.O., 335 U.S. 106, 121, indicated that corporations and unions had a First Amendment right to communicate with members, stockholders or customers on subjects of mutual political interest. In United States v. Pipefitters Local #562, 434 F.2d 1116, 1123 (8th Cir. 1970) reversed on other grounds, 407 U.S. 385 (1972), the Court of Appeals



for the Eighth Circuit held that the right to maintain segregated funds supported by unions or corporations was essential to preventing the present election law (18 U.S.C. §610) from violating the First Amendment. Most recently, in Buckley v. Valeo, supra, 96 S. Ct. 639, fn. 31, the Court said: "Corporate and union resources without limitation may be employed to administer these [segregated] funds and to solicit contributions from employees, stockholders, and union members." The Court was characterizing what the law permitted rather than what the First Amendment required. However, the discussion in the Buckley footnote is significant, since the fact that such independent association was available seems to have been a factor in the Court's conclusion that the limits imposed on individual contributions by the present 18 U.S.C. §608(b) are constitutional. Thus, restricting the scope of solicitation of segregated funds through the proposed legislation could undermine the contribution limitations which this bill carries forward into the FECA. Section 112, adding §320 to the FECA.

b. Proposed §321(b)(a)(B), as added by §112 of the bill, seems to place restrictions on the use of corporate or union funds to engage in non-partisan activities. The language of this subsection permits such expenditures only if they are intended to defray the cost of voter registration drives and get-out-the-vote campaigns and only if they are directed at members of unions and their families or stockholders and management personnel of corporations. However, the reach of this provision is different from the definition of "expenditure" contained in the definitional section (2 U.S.C. §413(f)(4)(B)), which purports to permit any non-partisan expenditures "designed to encourage individuals to register to vote, or to vote." The Conference Report purports to resolve the conflict between the definition and the statutory text by a compromise which would permit corporations and unions to engage in non-partisan activities not restricted as in §321, provided they do so as a joint venture with some recognized non-partisan organization. 122 Cong.



Rec. (daily ed.) H 3594. It is not clear what weight can be given the Conference Report in view of the lack of statutory text to support it. Even if the compromise in the Report is valid, §321(b)(2)(B) could still be read to prohibit such innocuous activities as the use of corporate or union premises to provide a public forum from which all qualified candidates could speak to the public.

This is, of course, a constitutionally sensitive area and there are cases indicating that the First Amendment protects the right to engage in non-partisan activities. Cort v. Ash, 496 F.2d 416, 426 (3d Cir. 1974) rev'd on other grounds, 422 U.S. 66; United States v. Construction and General Laborers Local #264, 101 F. Supp. 869, 875 (W.D. Mo., 1951); cf. United States v. Auto Workers, 352 U.S. 567, 586 (1957); United States v. Pipefitters, 434 F.2d 1116, 1121 (8th Cir., 1970), supra.

It is not therefore clear how far restrictions can be applied to corporate or union political expenditures which are truly nonpartisan. In such circumstances, the Federal interest in regulating campaign expenditures is slight compared to the limitation placed on the constitutional right of expression and the performance of civic duties.

The foregoing comments concerning the possible constitutional problems involved in restricting both solicitations by segregated funds, non-partisan expenditures by unions and corporations, were incorporated, in substance, in a letter which the Criminal Division of the Justice Department sent to the Federal Election Commission commenting on one of the Commission's proposed Advisory Opinions on these subjects. This letter, dated November 3, 1975, is in the public domain and was largely adopted by the Commission in the widely discussed SUN-PAC Advisory Opinion which resulted. Advisory Opinion 1975-23.



As the Court indicated in Buckley v. Valeo, delicate balancing considerations are involved in deciding First Amendment issues. At present, the law in this area is not so clear that these First Amendment issues compel or clearly warrant disapproval of the bill.

4. Statute of limitations.

The bill does not change the present three-year statute of limitations. Since this Department must usually wait until the Commission refers a matter to it before it prosecutes, §313, this special limitation period, added in 1974 (2 U.S.C. §455), is inadequate. The general Federal statute of limitations is five years.

The bill, is, of course, long and complex. We have not, at this juncture attempted to list all the legal problems it may present, nor are all the items analyzed above of equal importance.

The Department of Justice believes, however, that the problems listed, as they relate to separation of powers and enforcement, are sufficiently serious to justify a Presidential veto of S. 3065.

Sincerely,



*Michael M. Uhlmann*

Michael M. Uhlmann  
Assistant Attorney General  
Office of Legislative Affairs

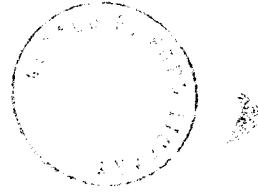


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STATEMENT BY THE PRESIDENT

After extensive consultation and review, I have decided that the Federal Campaign Act Amendments of 1976 warrant my signature.

I am therefore signing those amendments into law this afternoon. I will also be submitting to the Senate for its advice and consent the nominations of six persons to serve as members of the reconstituted Commission.

Shortly after the Supreme Court ruled on January 30 that the Federal Election Commission was invalid as then constituted, I made it clear that I favored a simple reconstitution of the Commission because efforts to amend and reform the law could cause massive confusion in election campaigns that had already started.

The Congress, however, was unwilling to accept my straightforward proposal and instead became bogged down in a controversy that has now extended for more than three months.

In the process, efforts were made to add several provisions to the law which I thought were thoroughly objectionable. These suggested provisions would have further tipped the balance of political power to a single party and to a single element within that party. I could not accept those provisions under any circumstance and I so communicated my views to various Members of the Congress.

Since that time, to my gratification, those features of the bill have been modified so as to avoid in large measure the objections I had raised.

Weighing the merits of this legislation, I have found that the amendments as now drafted command widespread, bipartisan support in both Houses of Congress and by the Chairpersons of both the Republican National Committee and the Democratic National Committee.

I still have serious reservations about certain aspects of the present amendments. For one thing, the bill as presently written will require that the Commission take additional time to consider the effects which the present amendments will have on its previously issued opinions and regulations.

A more fundamental concern is that these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge the constitutionality of this provision at the earliest possible opportunity.

Recognizing these weaknesses in the bill, I have nevertheless concluded that it is in the best interest of the Nation that I sign this legislation. Considerable effort has been expended by members of both parties to make this bill as fair and balanced as possible.

Moreover, further delay would undermine the fair and proper conduct of elections this year for seats in the U.S. Senate, the House of Representatives and for the Presidency. Effective regulation of campaign practices depends upon the existence of a Commission with valid rulemaking and enforcement powers. It is critical that we maintain the integrity of our election process for all

Federal offices so that all candidates and their respective supporters and contributors are bound by enforceable laws and regulations which are designed to control questionable and unfair campaign practices.

I look to the Commission, as soon as it is reappointed, to do an effective job of administering the campaign laws equitably but forcefully, and in a manner that minimizes the confusion which is caused by the added complexity of the present amendments. In this regard, the Commission will be aided by a newly provided civil enforcement mechanism sufficiently flexible to facilitate voluntary compliance through conciliation agreements and, where necessary, penalize noncompliance through means of civil fines.

In addition, the new legislation refines the provisions intended to control the size of contributions from a single source by avoiding proliferation of political action committees which are under common control. Also, this law strengthens provisions for reporting money spent on campaigns by requiring disclosure of previously unreported costs of partisan communications which are intended to affect the outcome of Federal elections.

Following the 1976 elections, I will submit to the Congress legislation that will correct problems created by the present laws and make additional needed reforms in the election process.



OK - Marsh, Hartman, Biden, Gergen, Duval, Bennett

FINAL



Proposed Signing Statement: FEC

After extensive consultation and review, I have decided that the Federal Campaign Act Amendments of 1976 warrant my signature.

I am therefore signing those amendments into law this afternoon. I <sup>will be</sup> [am] also submitting to the Senate for its advice and consent the nominations of six persons to serve as members of the reconstituted Commission. [All but one of these individuals has served previously on the Commission, so ~~that~~ the Senate should be able to confirm all six nominees expeditiously.]

Shortly after the Supreme Court ruled on January 30 that the Federal Election Commission was invalid as then constituted, I made it clear that I favored a simple reconstitution of the Commission because efforts to amend and reform the law could cause massive confusion in election campaigns that had already started.

The Congress, however, was unwilling to accept my straightforward proposal and instead became bogged down in a controversy that has now extended <sup>for more than three months</sup> ~~for more than three months~~.

In the process, <sup>efforts were made</sup> ~~there were also efforts~~ to add several provisions to the law which I thought were thoroughly objectionable. These suggested provisions would have further  <sup>tipped</sup>  ~~tipped~~ the balance of political power to a single party and to a

single element within that party. I could not accept those provisions under any circumstance and I so communicated my views to ~~members~~ <sup>various members</sup> of the Congress.

Since that time, to my gratification, those features of the bill have been modified <sup>that the most objectionable</sup> so ~~as to avoid in large measure~~ <sup>OK</sup> ~~the objections I had raised.~~ <sup>effects have been avoided.</sup>

~~In fact, in~~ Weighing the merits of this legislation, I have found that the amendments as now drafted command wide-spread, bipartisan support in both Houses of Congress and by the Chairpersons of both the Republican National Committee and the Democratic National Committee.

I still have serious reservations about certain aspects of the present amendments. For one thing, the ~~bill as presently~~ <sup>bill as presently</sup> ~~incorporated will require that~~ <sup>incorporated will require that</sup> the Commission ~~to~~ take additional time ~~in~~ <sup>to</sup> considering ~~the effects of~~ <sup>which</sup> the present amendments, ~~on~~ <sup>will have</sup> its previously issued opinions and regulations.

<sup>A</sup> ~~More fundamental~~ <sup>concern is that</sup> these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge ~~the~~ <sup>the</sup> constitutionality <sup>of this provision</sup> at the earliest possible opportunity.

*in the best interests of the Nation that*

Recognizing these weaknesses in the bill, I have nevertheless concluded that it is ~~the best part of wisdom~~ <sup>the best part of wisdom</sup> to sign this legislation. <sup>Considerable</sup> Great effort has been <sup>expended</sup> ~~expended~~ by members of both parties to make this bill as fair and reasonable as possible.

Moreover, ~~I think we have to recognize that~~ further delay would undermine <sup>and proper conduct of</sup> the fair ~~and~~ elections this year <sup>for seats</sup> in the U.S. Senate, ~~in~~ the House of Representatives and <sup>for</sup> the Presidency. Effective regulation of campaign practices depends <sup>upon the existence of</sup> ~~fundamentally on having~~ a Commission with valid rule-making and enforcement powers. It is critical that we maintain the integrity of our election process for all Federal offices so that all candidates and their respective supporters and contributors are bound by enforceable laws and regulations which are designed to <sup>control</sup> ~~eliminate~~ questionable and unfair campaign practices.



I look to the Commission, as soon as it is reappointed, to do an effective job of administering the campaign laws equitably but forcefully, and in a manner that minimizes the confusion which is caused by the added complexity of the present amendments. In this regard, the Commission will be aided by a newly provided ~~comprehensive and flexible~~ civil enforcement mechanism <sup>sufficiently flexible to</sup> ~~designed to~~ facilitate voluntary compliance through conciliation agreements and <sup>where necessary</sup> ~~to~~ penalize non-compliance through means of civil fines.

In addition, the new legislation refines the provisions intended to control the size of contributions from a single source by avoiding proliferation of political action committees which are under common control. Also, this law strengthens provisions for reporting money spent on campaigns by requiring disclosure of previously unreported costs of partisan communciations *which are* intended to affect the outcome of Federal elections.

Following the 1976 elections, I will submit to the Congress legislation that will correct problems created by the present laws and ~~will~~ make additional needed reforms in the election process.

In addition to my approving this bill, I am submitting to the Senate the following nominations for the terms specified: Marlow W. Cook and Neil Staebler, for terms expiring April 30, 1977; Vernon Thomson and Thomas E. Harris, for terms expiring April 30, 1979; and Joan D. Aiken and Robert O. Tiernan, for terms expiring April 30, 1981.

I urge the Senate to act quickly to confirm ~~and~~ these nominees *together at the earliest opportunity.*

~~at the same time.~~



OK  
|||

STET



Change in FEC statement

Page 2 - last sentence



"I have therefore directed the attorney general  
to check "the" constitutionality "of this provision"  
quoted words ♣ are new.

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More fundamentally, these amendments jeopardize the independence of the Federal Election Commission by permitting either House of Congress to veto regulations which the Commission, as an Executive agency, issues. This provision not only circumvents the original intent of campaign reform but, in my opinion, violates the Constitution. I have therefore directed the Attorney General to challenge ~~its~~ constitutionality at the earliest possible opportunity.



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<sup>2</sup> Marlow W. Cook, <sup>4</sup> and Neil Staebler, ~~for terms expiring April 30, 1977,~~  
<sup>5</sup> Vernon Thomson, <sup>3</sup> and Thomas E. Harris, ~~for terms expiring April 30, 1979;~~  
<sup>1</sup> ~~and~~ <sup>6</sup> Joan D. Aiken and Robert O. Tiernan, ~~for terms expiring April 30, 1981.~~

I urge the Senate to act quickly to confirm all these nominees at the same time.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

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The enrolled bill, as reported out of Conference on April 28, 1976, passed the House by a roll call vote of 291-81 and the Senate by 62-29.

S. 3065 greatly exceeds the scope of the legislation you proposed to the Congress on February 16, 1976. That legislation, introduced in the Senate as S. 2987 by Sen. Griffin, would have (a) reconstituted the Commission's membership in accordance with the Supreme Court decision in Buckley v. Valeo and (b) limited the application of the laws administered by the Commission to the 1976 elections. This would have allowed for later consideration of a comprehensive and carefully considered election reform bill.

Mr. Buchen has given you several memorandums that discuss the bill in detail and analyze its various implications. In addition, the Department of Justice, in the attached views letter, sets forth several problems in the bill which, as they relate to separation of powers and enforcement, Justice believes are sufficiently serious to justify a veto:

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 5

Time: 400pm

FOR ACTION:

Phil Buchen *sign*  
Robert Hartmann  
Jack Marsh *sign*  
Max Friedersdorf *veto*  
Bill Seidman *sign*

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date:

May 6

Time:

noon

SUBJECT:

S. 3065 - Federal Election Campaign Act Amendments of 1976



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

PLEASE RETURN TO JUDY JOHNSTON, GROUND FLOOR WEST WING

sign \_\_\_\_\_

Veto \_\_\_\_\_

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 5

Time: 400pm

FOR ACTION: Phil Buchen  
Robert Hartmann  
Jack Marsh  
Max Friedersdorf  
Bill Seidman

cc (for information): Jim Cavanaugh  
Dick Parsons

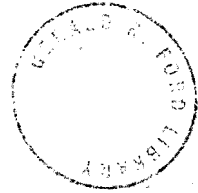
FROM THE STAFF SECRETARY

DUE: Date: May 6

Time: noon

SUBJECT:

S. 3065 - Federal Election Campaign Act Amendments of 1976



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sign S. 3065

Veto S. 3065

*JWS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President



THE WHITE HOUSE

WASHINGTON

May 6, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *MF*  
SUBJECT: S. 3065 - Federal Election Campaign Act  
Amendments of 1976

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be VETOED.



Attachments

Date: May 5

Time: 400pm

FOR ACTION: Phil Buchen  
Robert Hartmann  
Jack Marsh  
Max Friedersdorf  
Bill Seidman

cc (for information): Jim Cavanaugh  
Dick Parsons

FROM THE STAFF SECRETARY

DUE: Date: May 6

Time: noon

SUBJECT:

S. 3065 - Federal Election Campaign Act Amendments of 1976



ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sign S. 3065

Veto S. 3065

*P.W.B.*

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James M. Cannon  
For the President

THE WHITE HOUSE  
WASHINGTON

Trudy: Can you put this with the  
rest of the file.

Judy 5/11



THE WHITE HOUSE

5/5/76  
4:30 p.m.  
9

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: May 5

Time: 400pm

FOR ACTION:

Phil Buchen  
Robert Hartmann  
Jack Marsh  
Max Friedersdorf  
Bill Seidman

cc (for information): Jim Cavanaugh

Dick Parsons

FROM THE STAFF SECRETARY

DUE: Date: May 6

Time: noon

SUBJECT:

S. 3065 - Federal Election Campaign Act Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

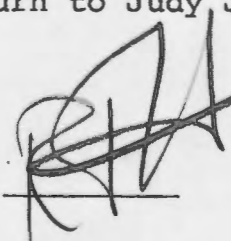
For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sign S. 3065



Veto S. 3065

5/5 - Copy to Buser for researching. mm  
5/6 - Researched copy returned. mm



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

DATE: May 5

TIME: 4:00pm

FOR ACTION: Phil Buchen  
Robert Hartmann  
Jack Marsh  
Max Friedersdorf  
Bill Seidman

cc (for information): Jim Cavanaugh  
Dick Parsons

*to Res  
5/5 6:40  
GAMS*

FROM THE STAFF SECRETARY

DUE: Date: May 6

Time: noon

SUBJECT:

S. 3065 - Federal Election Campaign Act Amendments of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Sign S. 3065 \_\_\_\_\_

Veto S. 3065 \_\_\_\_\_

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James M. Cannon  
For the President