

Richard Nixon Presidential Library
Contested Materials Collection
Folder List

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	5		<input checked="" type="checkbox"/>	Campaign	Memo	From Higby to Strachan RE: attached information for Magruder. 1 pg.
30	5	3/29/1972	<input type="checkbox"/>	Campaign	Memo	From Strachan to Haldeman RE: information from Chotiner on Louie Nunn and the Kentucky Senate race. 1 pg.
30	5	3/27/1972	<input type="checkbox"/>	Campaign	Memo	From Chotiner to Haldeman RE: the filing deadline for the Kentucky Senate race. 1 pg.
30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Chotiner to Haldeman RE: Nunn's disappointment that RN had not endorsed him for the position of Kentucky Senator by early 1972. 1 pg.

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>No Date</u>	<u>Subject</u>	<u>Document Type</u>	<u>Document Description</u>
30	5	3/15/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: the use of telephone operations in the 1972 elections. 4 pgs.
30	5	2/17/1972	<input type="checkbox"/>	Campaign	Memo	From Patricia Hutar to the Attorney General RE: a Steering Committee to direct volunteers in the campaign. 2 pgs.
30	5	2/4/1972	<input type="checkbox"/>	Campaign	Other Document	Press release from the California Committee to Re-Elect the President naming Governor Ronald Reagan as its chair. 2 pgs.
30	5	2/4/1972	<input type="checkbox"/>	Campaign	Other Document	Governor Reagan's remarks at a press conference wherein he revealed his role as California CRP chairman. 2 pgs.
30	5		<input checked="" type="checkbox"/>	Campaign	Other Document	Committee for the Re-election of the President news release on its advertising task force, the November Group. 2 pgs.

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30	5	3/27/1972	<input type="checkbox"/>	Campaign	Memo	From Hugh W. Sloan, Jr. to Strachan RE: attached information on David K. Wilson. 1 pg.
30	5	11/16/1971	<input type="checkbox"/>	Campaign	Letter	From Hugh W. Sloan, Jr. to Strachan RE: a large campaign contribution from Wilson and his family. 1 pg.
30	5		<input checked="" type="checkbox"/>	Campaign	Newsletter	Article titled "Republicans Woo Youth for Nixon" written by Ann Blackman. 1 pg.
30	5	3/10/1972	<input type="checkbox"/>	Campaign	Memo	From Haldeman to Magruder RE: the role of youth workers in the New Hampshire primary. 1 pg.
30	5		<input checked="" type="checkbox"/>	Campaign	Memo	Sixteenth page of a memo discussing campaign contributions, RN's poll numbers in the midwest, and youth organizations in the campaign. 1 pg.

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30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Haldeman RE: attached information on Florida campaign topics. 1 pg.
30	5	3/20/1972	<input type="checkbox"/>	Campaign	Memo	From Morgan to Marik RE: political mass mailings and volunteers in the Florida campaign. Charts and graphs showing correlations between the two included. 25 pgs.
30	5	2/24/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to the Attorney General RE: the use of Arthur C. Nielson, Sr. and his television rating company to determine past voter habits. 2 pgs.
30	5	3/13/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: RN's domestic policies with regard to the campaign. 1 pg.
30	5		<input checked="" type="checkbox"/>	Campaign	Memo	From "Van" to Gordon RE: an attached statement authored by Bob Dole. 1 pg.

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30	5	3/8/1972	<input type="checkbox"/>	Campaign	Report	News release of a statement made by Dole RE: the results of the New Hampshire presidential primary. 1 pg.
30	5	3/1/1972	<input type="checkbox"/>	Campaign	Other Document	Handwritten notes relating to a meeting on the campaign. 1 pg.
30	5	2/23/1972	<input type="checkbox"/>	Campaign	Other Document	Handwritten notes detailing a policy issues meeting. 4 pgs.
30	5		<input checked="" type="checkbox"/>	Campaign	Other Document	Handwritten notes documenting the death of the son of John Rollins. 1 pg.
30	5	3/23/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Colson RE: veterans in the New Hampshire primary and the 1972 campaign as a whole. 1 pg.

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30	5	3/10/1972	<input type="checkbox"/>	Campaign	Memo	From Clayton Yeutter, through Magruder, to Mitchell RE: support for RN from Ohio Congressmen. 1 pg.
30	5	3/20/1972	<input type="checkbox"/>	Campaign	Other Document	Handwritten notes covering various campaign topics, including a Democratic telethon and a Wisconsin telephone study. 1 pg.
30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: the use of Jimmy Hoffa, Jr. in the Michigan campaign. 1 pg.
30	5	3/20/1972	<input type="checkbox"/>	Campaign	Memo	From Stans to the Vice President RE: committing to various campaign speaking engagements. Handwritten notes added by unknown. 1 pg.
30	5		<input checked="" type="checkbox"/>	Campaign	Other Document	Handwritten notes detailing information from Malek with regard to topics such as relations between the White House and the CRP, contact with state chairmen, and campaign advertising. 1 pg.

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30	5	2/16/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to the Attorney General RE: notes from a meeting with W. Ernst Minor on campaign spokesmen. 2 pgs.
30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Herbert L. Porter to Magruder RE: surrogate candidates. 1 pg.
30	5	3/23/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: Theodore White's request for a meeting. 1 pg.
30	5	3/23/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: the results of a mock primary at the University of Wisconsin at Whitewater 1 pg.
30	5	3/22/1972	<input type="checkbox"/>	Campaign	Memo	From Rietz to Magruder and Malek RE: RN's victory in a mock primary at the University of Wisconsin at Whitewater. 1 pg.

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30	5	3/22/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: the Sheraton Corporation's desire to run an ad in the Republican National Convention program book. 1 pg.
30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Magurder to Haldeman RE: an attached memo from Bill Novelli. 1 pg.
30	5	3/16/1972	<input type="checkbox"/>	Campaign	Memo	From Bill Novelli to Alex Armendaris, Paul Jones, Rietz, Dan Todd, and Clayton Yeutter RE: developing campaign advertising targeted to specific voter demographics. 4 pgs.
30	5	3/24/1972	<input type="checkbox"/>	Campaign	Memo	From Magruder to Mitchell RE: a new campaign spending law. Material from the House of Representatives and the Federal Communications Commission on the law attached. 38 pgs.

THE WHITE HOUSE
WASHINGTON

Date: _____

To :

r/s

From :

L. Higby

*Check this part
of MacGregor
intelligence.*

G → Mac G of 9²⁰

THE WHITE HOUSE
WASHINGTON

Ride

March 2⁷, 1972

MEMORANDUM FOR:

H. R. HALDEMAN

FROM:

GORDON STRACHAN

G

SUBJECT:

Kentucky Senate Race

Murray Chotiner is reminding you that ~~tomorrow~~^{today} is the last date for filing in the Kentucky Senate race. Louie Nunn could win if he received White House support and money according to Dent. However, Dent believes Mitchell is probably planning on not intervening to get Nunn in the race because Lee Nunn has "poisoned" Mitchell against his brother by calling him a "crook."

Cooper will not run according to Dent.

Dent has not been able to reach John Mitchell in Florida to confirm their previous discussion.

If you want to confirm Dent's impression of Mitchell's thinking you would have to place the call personally to Mitchell.

Attachment

From the desk of . . .

MURRAY M. CHOTINER

March 27, 1972

FOR: H. R. HALDEMAN

For your information. The filing deadline for the U.S. Senate in Kentucky is Wednesday, March 29.

If Louie Nunn is to run, he will need a bit of White House encouragement.

A handwritten signature in cursive script, appearing to read "Murray", is centered on the page.

SUITE 500
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
TELEPHONE 202 298-9030

LAW OFFICES
REEVES & HARRISON
SUITE 500
1701 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20006
TELEPHONE 202 298-9030
TELEX 440376 CRDK
CABLE "REEVLAW"

MARION EDWYN HARRISON
ERNEST GENE REEVES
ROBERT F. SAGLE
MYRON SOLTER
CHARLES EMMET LUCEY

OF COUNSEL
MURRAY M. CHOTINER

March 24, 1972

Hon. H. R. Haldeman
Assistant to the President
The White House
Washington, D.C. 20500

Dear Bob:

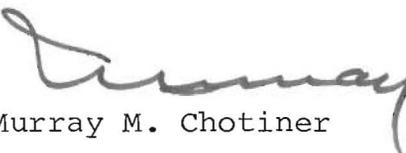
I am reliably informed that Louie Nunn is disappointed he has not received oral encouragement from the President to run for the Senate seat in Kentucky this year.

Apparently, the only two who can win the seat are Cooper and Nunn.

I am advised that Senator Brooke has stated that Cooper will run in spite of his statement that he will not run if there is a draft for him to do so. This is the situation in spite of his illness and age.

However, if Cooper or Nunn do not run, we lose the seat.

Cordially,


Murray M. Chotiner

MMC:bh

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COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 15, 1972

CONFIDENTIAL

MEMORANDUM FOR: THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

SUBJECT: Plans for the Telephone Operation

The first application of the telephone operation in the 1972 campaign was done in New Hampshire. It proved to be quite successful. Nine telephone centers were operated, nearly 60,000 Republican households were contacted and over 105,000 completed calls were made. In addition, several thousand volunteers were involved in the program.

Activities in the Primary States

This memorandum discusses briefly some recommendations relating to the plans for telephone activity in the remaining primary states and the type of organization we feel Nancy Brataas should have in order to perform in those primary states. It is proposed that the telephone operation be carried out in two more primary states, Maryland and California.

Maryland

The Maryland primary is on May 16. Maryland is a state which the President has a good chance to carry, but, in order to do so, a great deal of organizational effort will have to be done between now and November. The telephone campaign provides the opportunity to involve many volunteers early in the year as a format for the later campaign organization and to train key people to operate a number of telephone centers in the fall. It is proposed that one telephone center be established in Montgomery County, made up of 10 telephones. From that center, toll-free calls can be made to Prince Georges County as well as to Montgomery County. Over a four-week period, the center would have the capability of calling approximately 50,000 Republican

households. One of the advantages of conducting a telephone operation in Montgomery is that several volunteers in the D.C. area could be trained who would be helpful to Nancy Brataas at 1701 Pennsylvania throughout the campaign. In particular, it would be a great training location for people on her staff who have not had prior campaign experience in this type of operation.

California

The most comprehensive remaining telephone operation would be planned for the state of California, whose primary is on June 6. Once again, the primary purpose of the operation would be to identify and train key leaders at the state level for the fall campaign and to recruit a large number of volunteers to be available in the fall. A secondary objective would be to contact the Republican households and to increase the vote for the President on Election Day.

The proposed plan has been discussed with Lyn Nofziger, and he is very anxious to begin preparing for the operation in California as soon as possible. Centers would be located in each of the four regions into which the state has been divided for the campaign. There would be one center in Stockton, one in Santa Clara, one in Orange County, one in San Diego County and 2 to 4 in Los Angeles County, for a total of 6 to 8 centers. Each center would have a maximum capability of about 50,000 completed calls, so that a total of 300,000 to 500,000 voters could be contacted. More detailed plans and specific recommendations on the proposed telephone operations for each of these primary states will be presented as a part of the overall state plans.

Plans for the General Campaign

There are two types of telephone operations contemplated for the General Campaign. One is the type used in New Hampshire. Several variations are possible in terms of the timing of the calls and the content of the conversation. However, in all cases, the centers would be manned by volunteers. The purpose would be to contact Republicans to reaffirm their support of the President and to ask them to volunteer for the campaign.

Independents and enlightened Democrats would be canvassed in selected areas to identify those favorable to the President for get-out-the-vote operations near Election Day. The undecided voters in this category would receive follow-up communications as was done in New Hampshire.

The second broad type of telephone activity would be similar to the "Neighbors for Nixon" program in 1968. In that case, calls would be made into areas where the recruitment of volunteers is impractical. Among those areas would be the Black community, Spanish surname communities and ethnic communities within large cities. Therefore, these centers would be staffed by paid personnel. We would probably implement a program similar to the 1968 operation where a person is located in each neighborhood to call on his neighbors, leave literature and ask them to vote for the President. We would envision substantially better controls than in 1968 and a much less expensive overall operation.

I feel that Nancy Brataas has demonstrated by her performance in New Hampshire that she would be the appropriate person to direct both telephone programs. In that capacity, she would report directly to Bob Marik. A detailed organization plan and budget for both types of telephone programs will be submitted for your approval within a few weeks.

Staffing Requirements

At the present time, the staff of the telephone division consists of Nancy Brataas as Director and one secretary. The following additional staff members are recommended to be hired immediately:

1. An Assistant Director for volunteer telephone operations with a salary at approximately \$15,000. A woman by the name of Carmen Hoepner of Minnesota, who helped as a volunteer in New Hampshire, has been recommended for that position.
2. An Administration Coordinator who would be responsible for the management of the Washington office while Nancy Brataas

and the Assistant Director are spending considerable time traveling to important states to implement the telephone programs in the field. Salary would be approximately \$15,000. Gail Belt, who has been active in local California politics and has recently moved to Washington, is under consideration for this position.

3. An Assistant Director for "Neighbors for Nixon". Most probably, a man would be appropriate for this position. Salary range would be \$15,000 to \$20,000. No candidates have as yet been identified. After receiving negative reports from many sources on Alan Peterson, we have decided that it would be inappropriate to ask him to perform this function in 1972.
4. One more Secretary, to assist the managers described above, at a salary of \$7,000 to \$8,000.

Recommendation

That you approve of the staffing plan outlined above and authorize Nancy Brataas to recruit people for those positions.

Approve _____ Disapprove _____ Comment _____

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE N W
WASHINGTON, D C 20006
(202) 333-0920

February 17, 1972

CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL

• SUBJECT: Steering Committee

In working with the development of State Committees for the Re-election of the President, it became apparent to the staff that certain individuals within a state might better serve at the national level. To utilize the experience and talents of these persons, we are recommending that a Steering Committee be formed to work in an advisory capacity with the Director of Volunteers.

Therefore, we recommend that a Steering Committee be formed to utilize the expertise and experience of the Committee members to focus on effective use of volunteers in the campaign. The Steering Committee will include representation from the Republican National Committee, National Federation of Republican Women, non-partisan leaders and a public relations consultant. The Public Relations Consultant would be on a retainer and would counsel on a number of projects.

The Steering Committee will concentrate on the development of:

1. Ideas to recruit, motivate and utilize volunteers effectively.
2. Special recognition programs for outstanding volunteers to build enthusiasm and motivation.
3. Ideas to gain the support of members in non-partisan organizations. Use the 1968 National Advisory Committee, Women for Nixon-Agnew as the format.
4. Public relations, publicity and promotion ideas.

The first meeting of the Steering Committee could be held during the Republican National Leadership Conference to be held March 1-4. Most of the proposed Committee members will be attending the Conference.

Membership possibilities include:

- Mrs. Dorothy Stanislaus -- National Committeewoman from Oklahoma
- Mrs. Gladys O'Donnell -- Immediate Past President, NFRW, California
- Miss Martha Moore -- National Committeewoman from Ohio
- Mrs. Mary Ellen Miller -- Congressional Campaign Committee, Oklahoma, formerly President, Alabama Federation of Republican Women
- Miss Virginia Allan -- former national President, Business and Professional Women, from Michigan (pending job situation)
- Mr. Bernard M. Shanley -- National Committeeman from New Jersey
- Mr. William McLaughlin -- State Chairman from Michigan
- Mrs. Adelaide Brady -- Public Relations Consultant
- Mrs. Mary Louise Smith -- National Committeewomen from Iowa
- Mr. Clarke Reed -- State Chairman from Mississippi
- Mrs. Paula Hawkins -- National Committeewoman from Florida

With your concurrence we would like to proceed with the development of the Steering Committee as described above.

Approve _____ Disapprove _____ Comment _____

PATRICIA HUTAR

CALIFORNIA COMMITTEE TO RE-ELECT THE PRESIDENT

FOR RELEASE, 11:00 AM, PST, FRIDAY, FEBRUARY 4:

CONTACT: Lyn Nofziger
(213) 670-8111

LOS ANGELES, February 4 -- Ronald Reagan disclosed today that he will head the campaign in California to re-elect President Nixon.

Reagan also announced that industrialist Leonard Firestone will be Mr. Nixon's Finance Chairman for the state.

The Governor made the announcements in a press conference at the Century Plaza Hotel, flanked by other of the state's leading Republican figures.

Reagan said the presence of the group reflected the fact that the Republican Party in California is unified behind the President.

On the platform with Reagan -- or sending messages of support -- were Firestone, Lt. Governor Ed Reinecke, State Treasurer Ivy Baker Priest, State Comptroller Houston Flournoy, Attorney General Evelle Younger, Putnam Livermore, State Chairman; Gordon Luce, State Vice Chairman; Mrs. Eleanor Ring, National Committeewoman; Thomas C. Reed, National Committeeman; Ralph Rosedale, President of the County Chairmen's Association; Bob Monagan, GOP leader in the State Assembly; John Stull, GOP Caucus Chairman in the Assembly; Fred Marler, Senate GOP leader and John Harmer, Senate GOP Caucus leader.

Reagan said that Luce will also serve as his special assistant in the campaign working with the campaign leadership at all levels. He said the Nixon campaign committee, to be known as the California Committee to Re-Elect the President, will work closely with the Central Committee in the areas of registration and getting-out-the-vote. He said the Committee will begin to function immediately.

(more)

"This is not just another election," the Governor said. "This is an election that will match a solid and consistent performer against a group of politicians who have been on every side of almost every issue.

"This will match the man who has wound down the war, reformed the draft, balanced the Supreme Court and come to grips with the hard, knotty problems of inflation and unemployment against those who are known more for their destructive criticisms than for any worthwhile accomplishments."

Reagan also disclosed that Lyn Nofziger, Deputy Chairman of the Republican National Committee, will leave the Committee to serve as Executive Director of the California campaign.

REMARKS BY GOVERNOR RONALD REAGAN

February 4, 1972

I'm sure that none of you is really surprised as to why we are here today. There has been a lot of talk in recent months about the upcoming Presidential campaign, and about the roles various people will play in it.

From the very first I have felt that the Republican governor of California should head the re-election campaign of the Republican President. Therefore, I am announcing today that I have accepted the chairmanship of the campaign in California to re-elect the President.

We have met here today -- my friends here on the platform and I -- to discuss the campaign for the re-election of President Nixon and its proposed leadership.

I am pleased that they also are in this campaign and have pledged themselves to an all-out effort for the President's re-election. I think you can judge by those present just how broad the President's support is in California.

Beyond those here I have receive literally thousands of pledges of support for the President from all over the state and from a few persons who could not be here today.

One person in particular I am sorry cannot be here. That is my good friend, Leonard Firestone, who has agreed to serve as State Finance Chairman for the campaign.

As most of you know, Len has been one of the outstanding leaders of the Republican Party in California for many years.

In order to put a campaign together it is obvious that we need more than

(more)

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just a chairman and a finance chairman. Therefore I am asking Gordon Luce to directly assist me in this campaign.

Gordon, of course, is a former member of my cabinet and now is the President of San Diego Federal Savings & Loan. He will be helping in his capacity as a private citizen and will work with the campaign leadership at all levels.

Finally, I want to announce that Lyn Nofziger, who has been working at the Republican National Committee, will serve as Executive Director of the campaign.

The Committee will be known as the California Committee to Re-Elect the President and as such it will seek the vote not only of Republicans but also Democrats and Independents. Nevertheless, we hope to work closely with the State and County Republican organizations especially in the areas of registration and getting-out-the-vote.

Finally, we hope to have a full fledged headquarters opened by March 1st. We will let you know when that opens.

Now before I open this up to questions I want to predict that Richard Nixon can carry California and can be re-elected. One thing about this election -- it is not just another election -- it is an election that will match a solid and consistent performer -- Richard Nixon -- against a group of politicians who have been on every side of almost every issue in the last few years. This will match the man who has wound down the war, reformed the draft, balanced the Supreme Court and come to grips with the hard, knotty problems of inflation and unemployment against those who are known more for their destructive criticisms than for any worthwhile accomplishments. I think the American people know that, and that is why I think Richard Nixon will be re-elected.

News from the Committee for the Re-election of the President

1701 PENNSYLVANIA AVENUE, N.W., WASHINGTON, D.C. 20006 (202) 333-0920

FOR IMMEDIATE RELEASE

CONTACT: DeVan L. Shunway
(202) 333-7060

#2-7

NOVEMBER GROUP

WASHINGTON -- The Nixon campaign's advertising task force for the 72 elections has begun its work at 909 Third Avenue, New York City.

Called the November Group, the task force is headed by Peter H. Dailey, 41, President of Dailey and Associates, Los Angeles and supported by a team of professionals on leaves of absence from agencies around the country.

Dailey said recently that the Task Force's mission will be "development of strategy as well as creation and placement of all advertising and consumer promotion for the President's 1972 re-election campaign."

Phillip Joanou, Vice President of Doyle Dane Bernbach, Inc., is Executive Vice President of the November Group. He is careful to draw the distinction between the Task Force concept and a standard advertising agency.

"It's not really correct to call us an agency," Joanou says. "We have a very narrowly defined mission: to assist in the re-election of the President. When that mission has been accomplished, the November Group goes out of business."

Joining Dailey and Joanou are:

(move)

Bill Taylor, Creative Director - Senior Vice President and member of the Board at Ogilvy and Mather, New York.

Paul Muller, Senior Vice President, Finance - Formerly Vice President, Treasurer of Young and Rubicam, New York.

Fred Becker - Treasurer, Rumrill-Hoyt where he was Vice President and Assistant Treasurer.

Mike Lesser, Account Manager - Senior Vice President at Marschalk and Company.

George Karalekas, Media Director - former Director of Advertising Services at Canada Dry Corporation and Associate Media Director at Grey Advertising.

Bill Novelli, Account Supervisor - Formerly responsible for advertising, films, research and creative services with the Peace Corps/ACTION in Washington and Wells, Rich and Greene in New York.

Mike Heinrich, Promotion Director - For the last four years in promotion at RCA Records, New York.

FINANCE COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

MEMORANDUM

March 27, 1972

MEMORANDUM FOR GORDON STRACHAN

FROM: HUGH W. SLOAN, JR. *HWS*

SUBJECT: DAVID K. "PAT" WILSON

Per our conversation, for your action.

November 16, 1971

Mr. Gordon Strachan
The White House Office
Washington, D.C.

Dear Gordon:

A short time ago, David K. "Pat" Wilson, Co-chairman of the Republican National Finance Committee, put together a six-figure contribution from members of his immediate family. The major portion of this contribution came from Mrs. Valere Blair Potter (Mrs. Justin), P. O. Box 50238, Nashville, Tennessee 37205, and Pat Wilson has asked if she could be invited to a major social event such as a state dinner in recognition. He has indicated that this would be purely a gesture on the part of the White House, since her age and state of her health would make it impossible to accept.

I would strongly recommend that we do this at the earliest opportunity and that Mr. and Mrs. David K. Wilson be included as well, since their gifts make up the balance of the contribution. In the latter case, I am sure they would attend.

Sincerely,

Hugh W. Sloan, Jr.

...he will order a
DES in feed.

Republicans Woo Youth For Nixon

By Ann Blackman
Associated Press

In a small, windowless office across the street from the White House, a 30-year-old advertising man named Ken Rietz is organizing a nationwide campaign to capture the youth vote for President Nixon.

Rietz, a native of Oshkosh, Wis., and now a partner in a Washington advertising firm, is director of the Youth Division of the Committee to Reelect the President.

His goal is to get the Republican message across to as many of the nation's 25 million new voters as possible. To do the job he has a paid staff of 14 assistants, all under 30.

"We're putting together a Young Voters for the President group in every state," Rietz said in an interview. "The first thing we have to do is get them registered."

For the moment, the Youth Division is concentrating on key primary states, and already has set up offices in New Hampshire, Florida, Wisconsin, California and Illinois.

If Rietz's office is small his budget isn't. "It's more than any Republican has put into this kind of campaign," said Rietz. He refused to disclose any figures except staff salaries, which run from \$5,000 to \$11,000.

With registration among voters currently running 2 to 1 Democratic, Rietz and his assistants are working 12- to 15-hour days to organize a nationwide network of volunteers for the precinct-level jobs of ringing doorbells and setting up registration drives.

The plan works this way: In each state, volunteers will contact potential voters, first by phone, then with follow-up letters. The information gathered is sent to the Washington headquarters where it is kept on file in computers with other statistical data on young voters.

"Also, we plan to set up training centers for speakers and volunteers in each state," said Ken Smith, 22, of Harbeson, Del. "We want to give them briefings and supply them with facts and figures."

Smith, who has charge of recruiting Republican speakers for young audiences, and his colleagues are well aware that only one-fifth of the new voters are on college campuses. Although they are scheduling Cabinet officers and White House officials to speak on key campuses, the emphasis of their campaign is on non-college youth.

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March 10, 1972

MEMORANDUM FOR :

MR. MAGRUDER

FROM :

H. R. HALDEMAN

Have we given adequate public credit and recognition to the great work the youth in New Hampshire in the primary campaign?

HRH:pm

*to be discussed
each*

OTHER GOP

Mokey
 U. S. News reports an active Kansas GOP member says RN is mistaken in taking a midwest-western sweep for granted as Admin. farm programs are blamed for widespread resentment. . . . Hartford Times poll reported 52% give the Admin an "only fair" rating on credibility; 24% rated it "good;" 17% said "poor," while 7% had no opinion.

Van Shumway said at the Comm. for the Re-election that "we have no plans to make a side show of listing donors." Ziegler indicated he didn't believe RN had even considered the matter -- "I think he'll leave that to the citizens committee." AP says the WH hedged on the issue. It was made clear that the RN contributions would be filed as the laws require.

May Rietz Shum
 AP with a special on the RN youth campaign headed by Ken Rietz. "If Rietz's office is small, his budget isn't, says AP. With young voters currently running 2-1 dems, Rietz's group of under-30s is working 12-15 hour days to organize a nationwide network of precinct-level volunteers. AP notes that altho WH and Cabinet people are being scheduled for campuses, the emphasis is on non-college youth -- difficult to reach because they aren't conveniently situated on campuses. Noting they aren't writing-off campus youth, one staff member is quoted as saying that, after his travels around the country, "I get the feeling. . . that the Pres. isn't the dirty word in colleges that he was a year ago." The 20 year old organizer of the "nixonettes" and "nixonaires," said she'd like to change the names to "Young Women for the President," because "I don't want Gloria Steinem calling me and saying we're exploiting the cause. . .but, they won't let me."

→

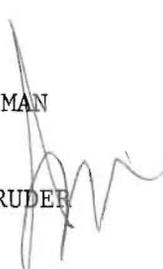
COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

March 24, 1972

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

CONFIDENTIAL

MEMORANDUM FOR H. R. HALDEMAN

FROM: JEB S. MAGRUDER 

Attached for your information is a copy of the report
on the Florida mailing responses, volunteers and contributors.

CONFIDENTIAL

Committee for the Re-election of the President

MEMORANDUM

March 20, 1972

MEMORANDUM FOR: DR. ROBERT MARIK
FROM: ROBERT MORGAN *RM*
SUBJECT: Florida Mailing Responses
Volunteers and Contributors

This is the second and final report on the volunteer and contributor responses for the Florida mailing. The report is for the week ending March 17, 1972.

The objectives of the mailing were accomplished with some very substantial side effects --

- 5,106 new volunteers were seeded down to the precinct level in the top 10 counties, and
- 3,601 contributors donated \$31,308 for an average of \$8.70/contribution. This paid for 48% of the mailing cost.

The Republican party in Florida was left with a very good nucleus for the General Election while people working on the program were given the opportunity to test their mettle and be judged.

A detailed table showing the total responses for volunteers and contributors on a daily basis is attached as Tab A. A chart showing cumulative response is attached as Tab B. Tab C shows daily response.

Please note that the response curves between New Hampshire and Florida were similarly shaped. By the fourth day of response in New Hampshire 35.4% of the total was in versus 39% in Florida. The fifth day showed 40% for New Hampshire versus 47% for Florida. Florida's mail delivery was very slow and then not processed smoothly by the post office when it was returned. If it had run smoothly in Florida, I strongly believe the response curves would have been the same as New Hampshire.

We are in a position now to predict final response four days after the first response is received. This hypothesis will be tested in Wisconsin and California.

Cumulative and daily response charts for the counties mailed are attached as follows:

<u>County</u>	<u>Tab</u>	<u>% Voting for President Nixon</u>
Brevard	D	87
Broward	E	87.9
Dade	F	84.7
Duval	G	88.2
Hillsborough	H	88.8
Orange	I	89.1
Palm Beach	J	86.7
Pinellas	K	85.9
Sarasota	L	88.0
Volusia	M	88.6

Attachments

cc: Mr. Harry Flemming
Mr. Jeb S. Magruder ✓
Mr. Hugh Sloan

FLORIDA MAILING RESPONSE

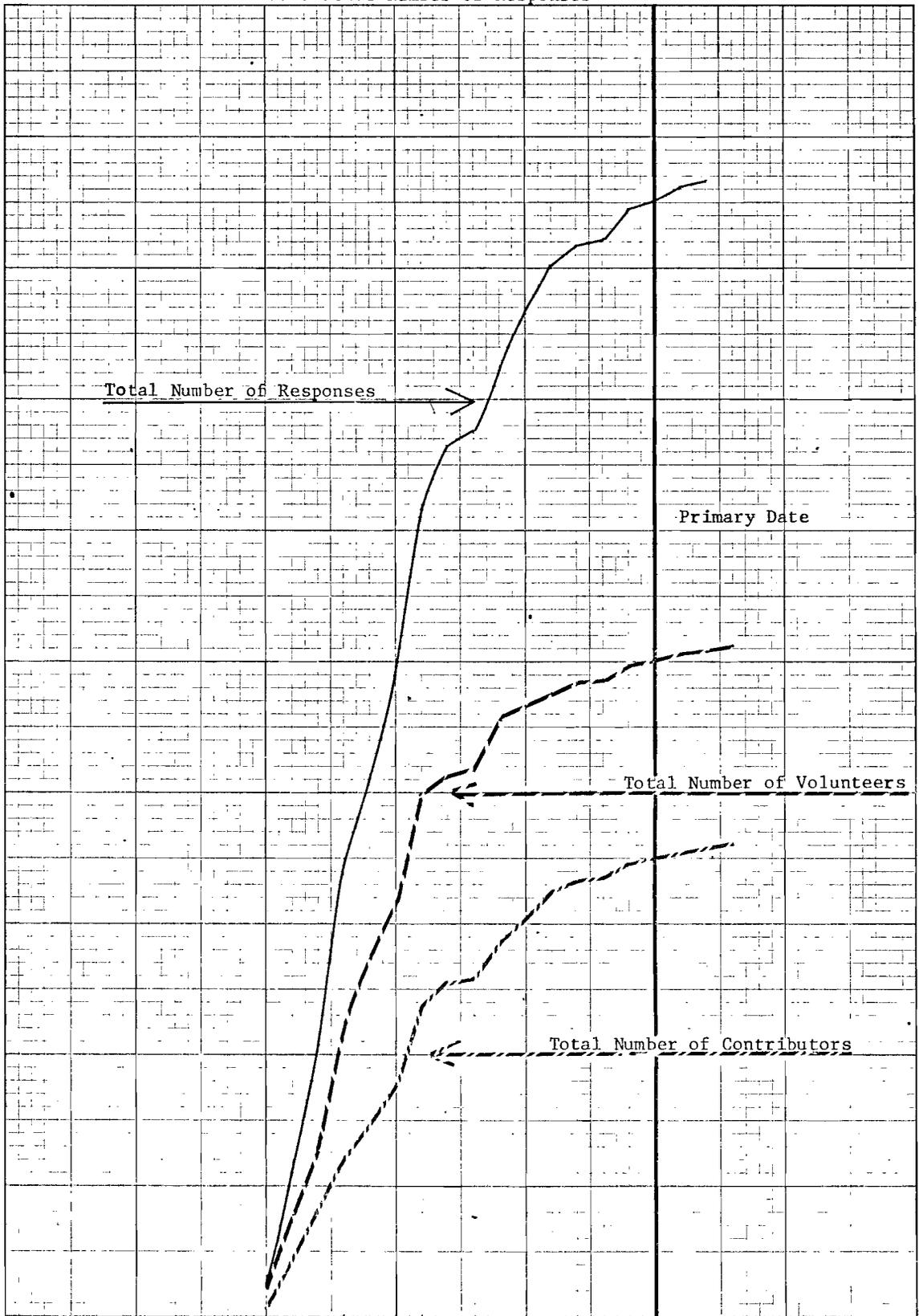
<u>Date</u>	<u>Responses</u>		<u>Volunteers</u>		<u>Contributors</u>		<u>Contributions</u>		<u>Average Contribution</u>	
	<u>Td.</u>	<u>Cum.</u>	<u>Td.</u>	<u>Cum.</u>	<u>Td.</u>	<u>Cum.</u>	<u>Td.</u>	<u>Cum.</u>	<u>Td.</u>	<u>Cum.</u>
2-25	218	218	207	207	11	11	73	73	6.60	6.60
2-26	907	1,125	478	685	429	440	2,558	2,631	6.00	6.00
2-28	951	2,076	574	1,259	377	817	3,028	5,659	8.00	6.90
2-29	1,374	3,450	983	2,242	391	1,208	5,724	11,383	14.60	9.40
3-1	640	4,090	391	2,633	249	1,457	2,534	13,917	10.20	9.60
3-2	831	4,921	514	3,147	317	1,774	2,591	16,508	8.20	9.30
3-3	1,436	6,357	821	3,968	615	2,389	5,536	22,044	9.00	9.20
3-4	304	6,661	134	4,102	170	2,559	1,094	23,138	6.40	9.00
3-6	96	6,757	71	4,173	25	2,584	214	23,352	8.60	9.00
3-7	651	7,408	379	4,552	272	2,856	1,735	25,087	6.40	8.80
3-8	269	7,677	110	4,662	159	3,015	1,395	26,482	8.80	8.80
3-9	337	8,014	108	4,770	229	3,244	1,687	28,169	7.40	8.70
3-10	168	8,182	68	4,838	100	3,344	771	28,940	7.70	8.70
3-11	28	8,210	23	4,861	5	3,349	55	28,995	11.00	8.70
3-13	221	8,431	107	4,968	114	3,463	1,038	30,033	9.10	8.70
3-14	70	8,501	32	5,000	38	3,501	428	30,461	11.30	8.70
3-15	99	8,600	49	5,049	50	3,551	488	30,949	9.80	8.70
3-16	78	8,678	40	5,089	38	3,589	284	31,233	7.50	8.70
3-17	29	8,707	17	5,106	12	3,601	75	31,308	6.30	8.70

No. of Responses
10,000

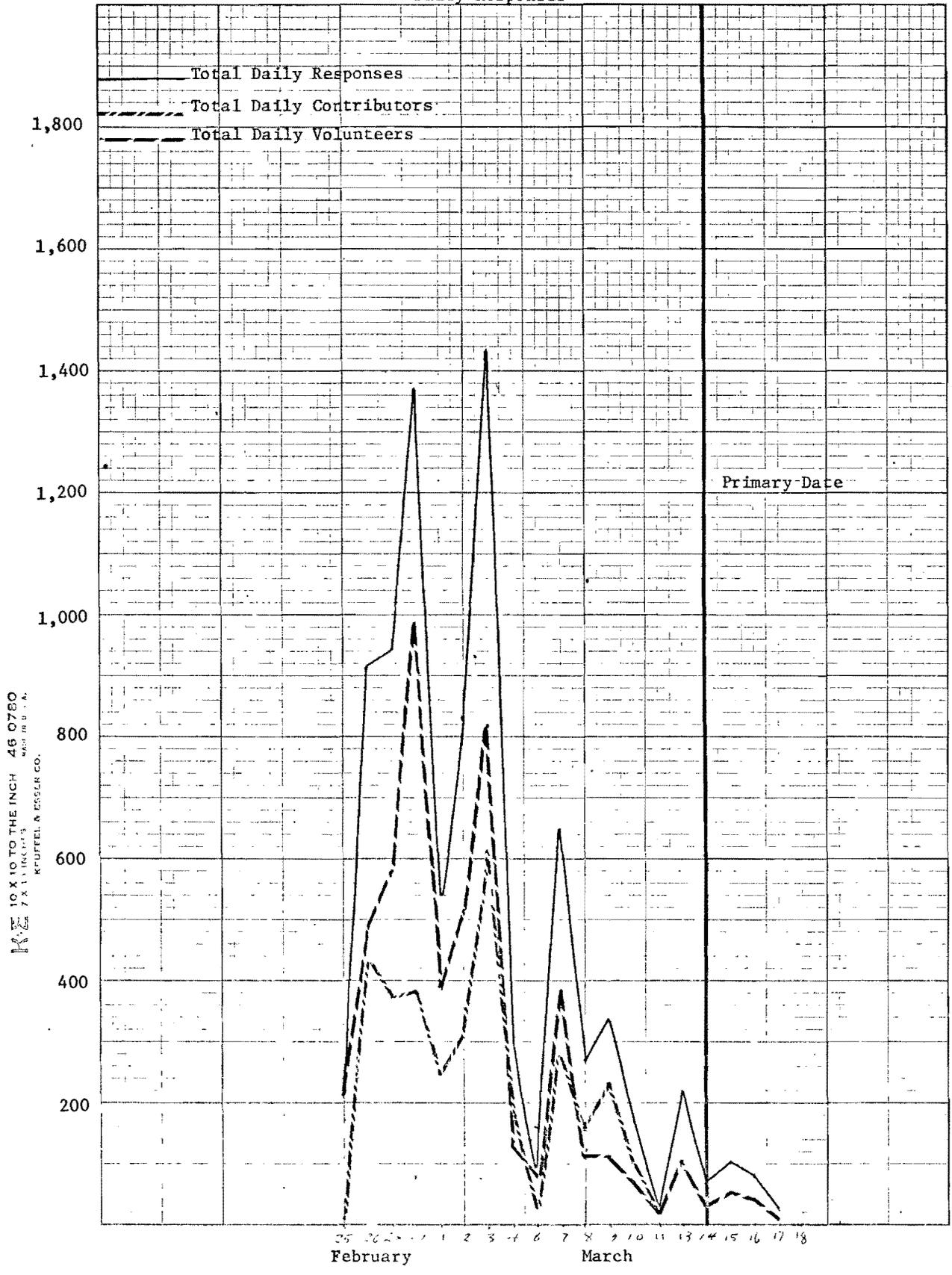
Florida Mailing
Cumulative Number of Responses

Tab B

10 X 10 TO THE INCH 46 0780
7 X 10 TO THE INCH 46 0785
KIMMEL & LESSER CO. MA. U.S.A.

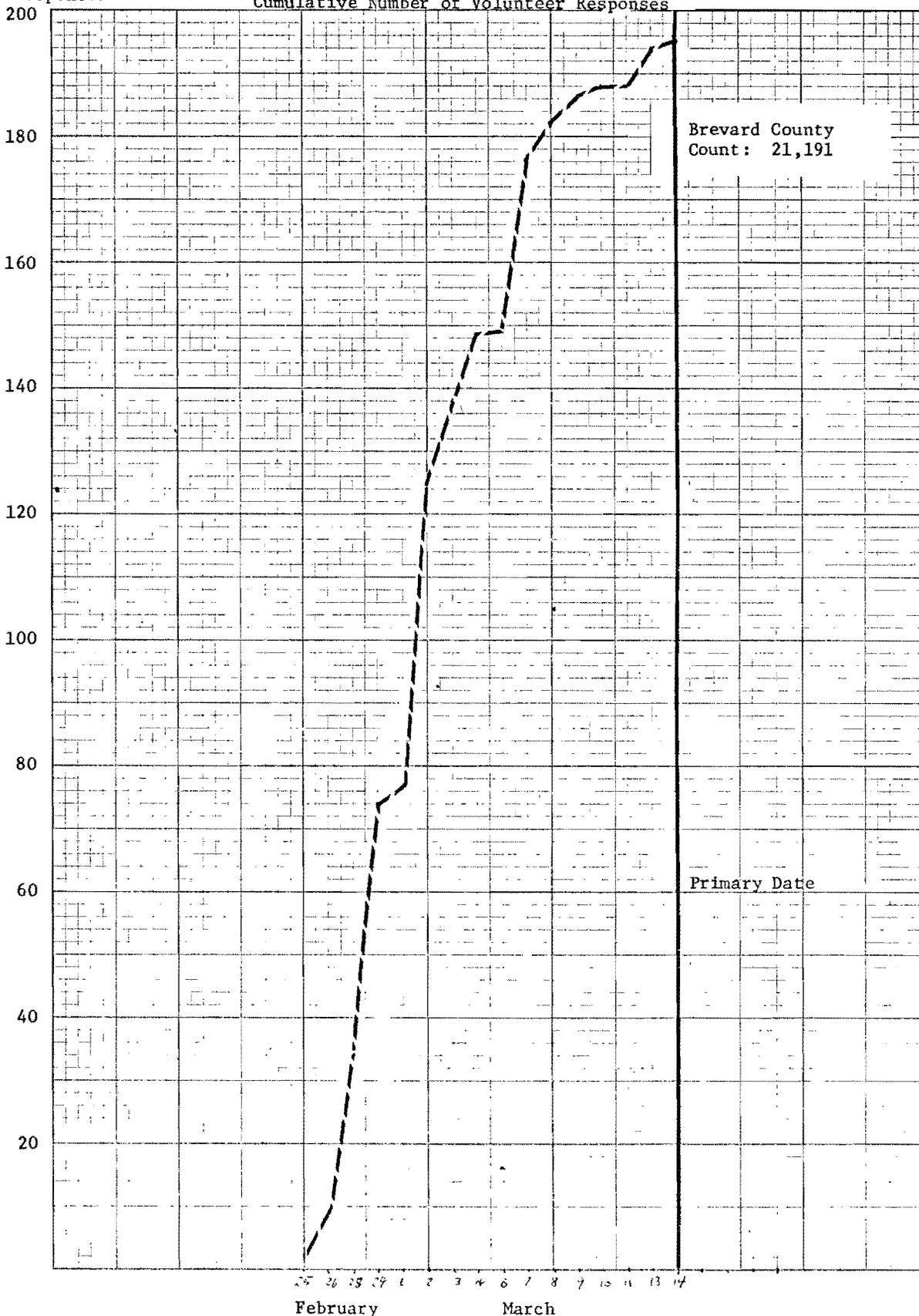


25 26 28 29 1 2 3 4 6 7 8 9 10 11 13 14 15 16 17 18
February March



10 X 10 TO THE INCH 46 0780
7 X 11 INCHES
MADE IN U.S.A.
KUPFFEL & ESSLER CO.

Cumulative Number of Volunteer Responses



Brevard County
Count: 21,191

Primary Date

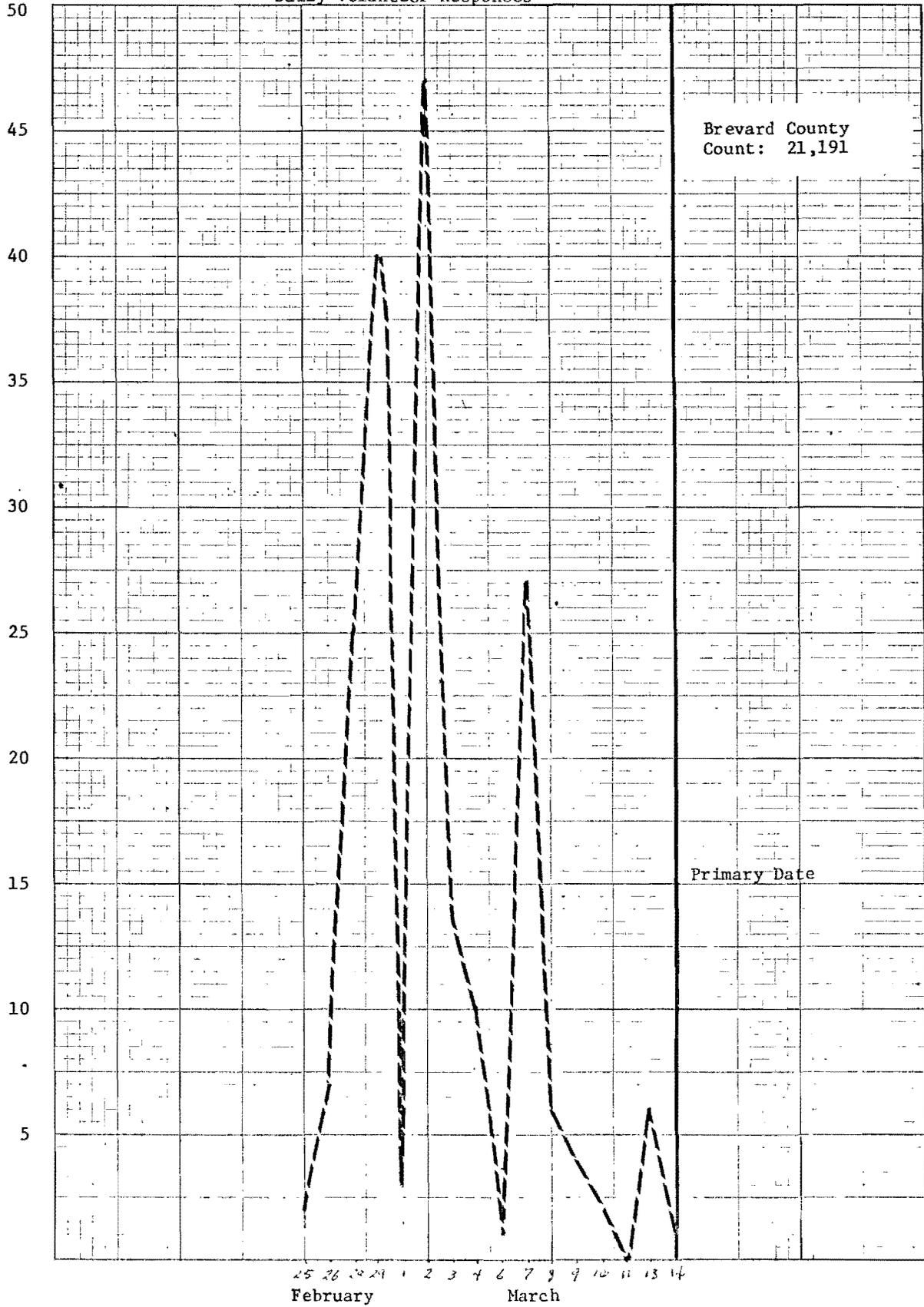
10 X 10 TO THE INCH 46 0780
7 X 10 INCHES PAID IN U.S.A.
KEUFFEL & ESSLER CO.

No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab D

ME 10 X 10 TO THE INCH 46 0780
7 X 1/2" 200 LBS. MADE IN U.S.A.
KEUFFEL & ESSER CO.



Brevard County
Count: 21,191

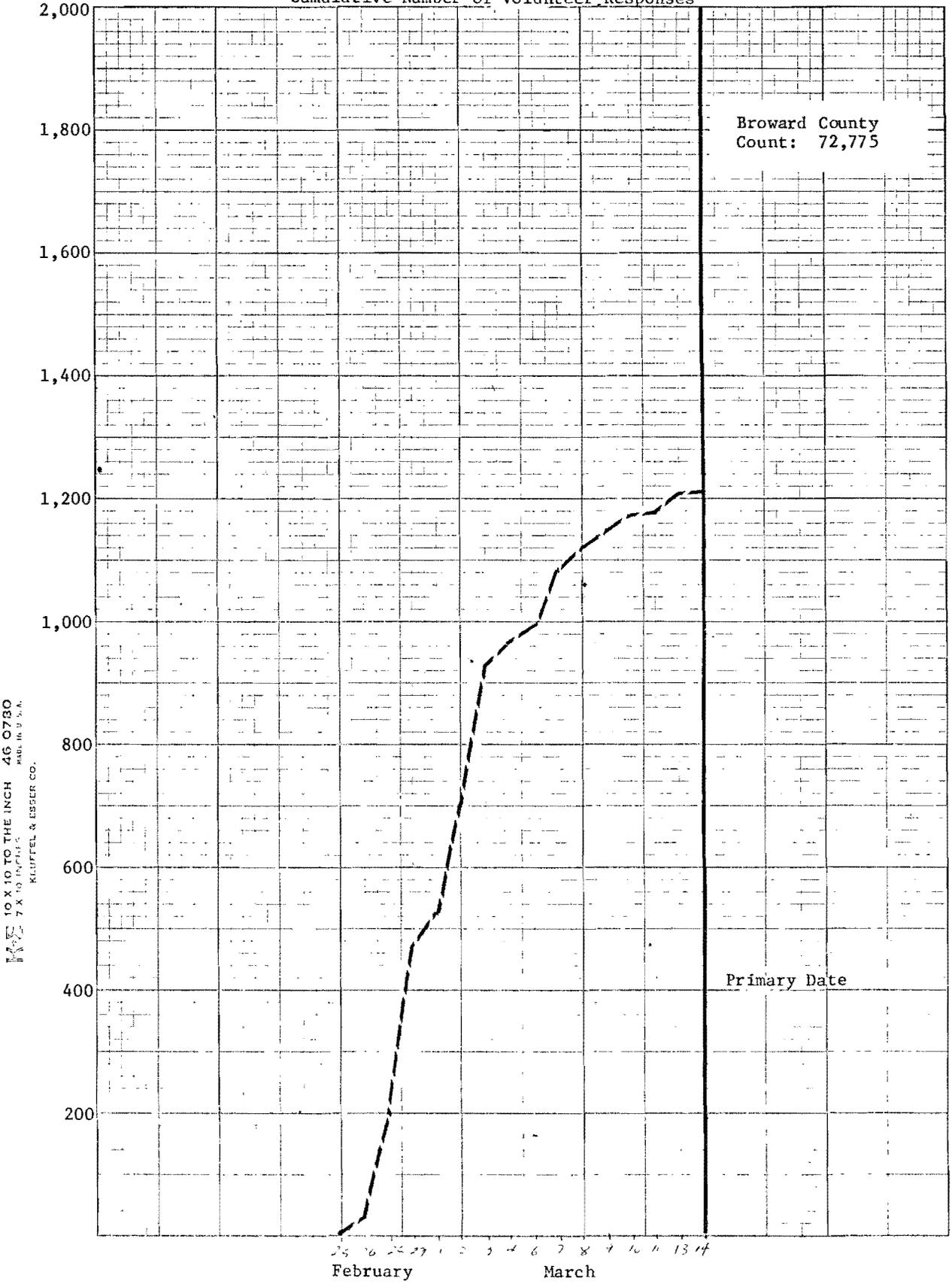
Primary Date

No. of Volunteer Responses

Florida Mailing

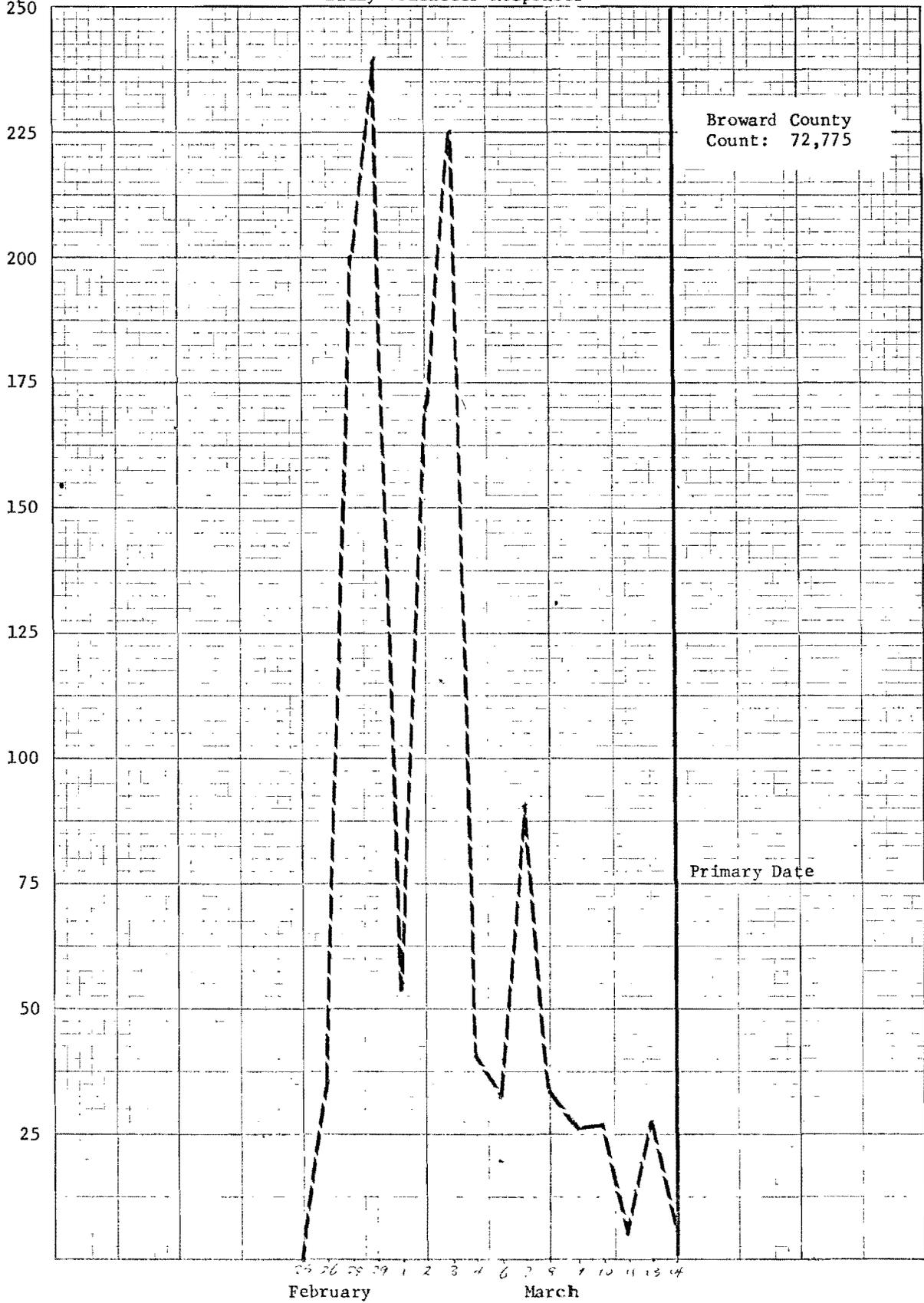
Tab E

Cumulative Number of Volunteer Responses



10 X 10 TO THE INCH - 46 0730
MADE IN U.S.A.
KLUFFEL & ESSER CO.

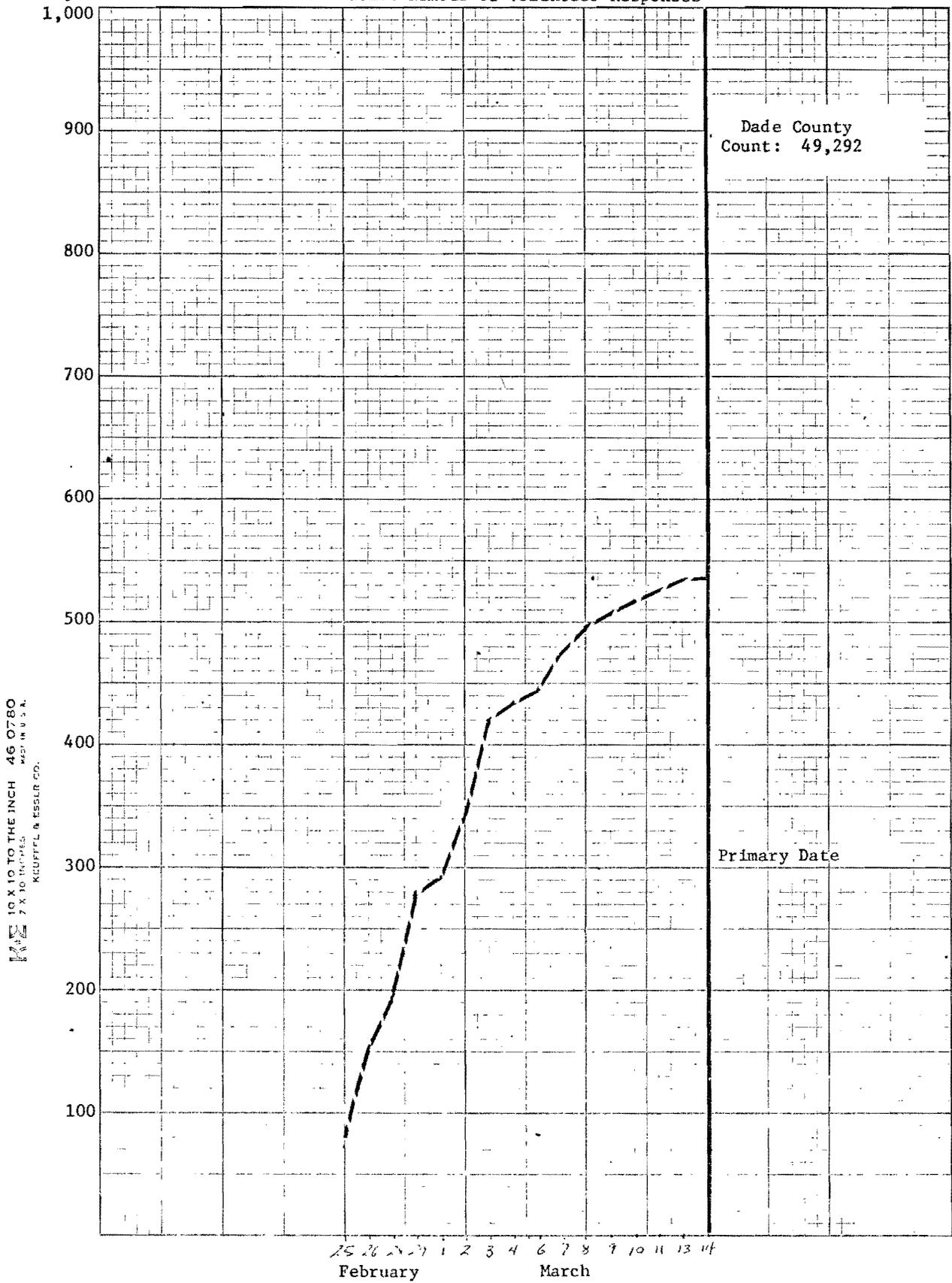
10 X 10 TO THE INCH 46 0780
7 X 7 INCHES 46 0780
KEUFFEL & ESSER CO.



No. of Volunteer Responses

Florida Mailing
Cumulative Number of Volunteer Responses

Tab F



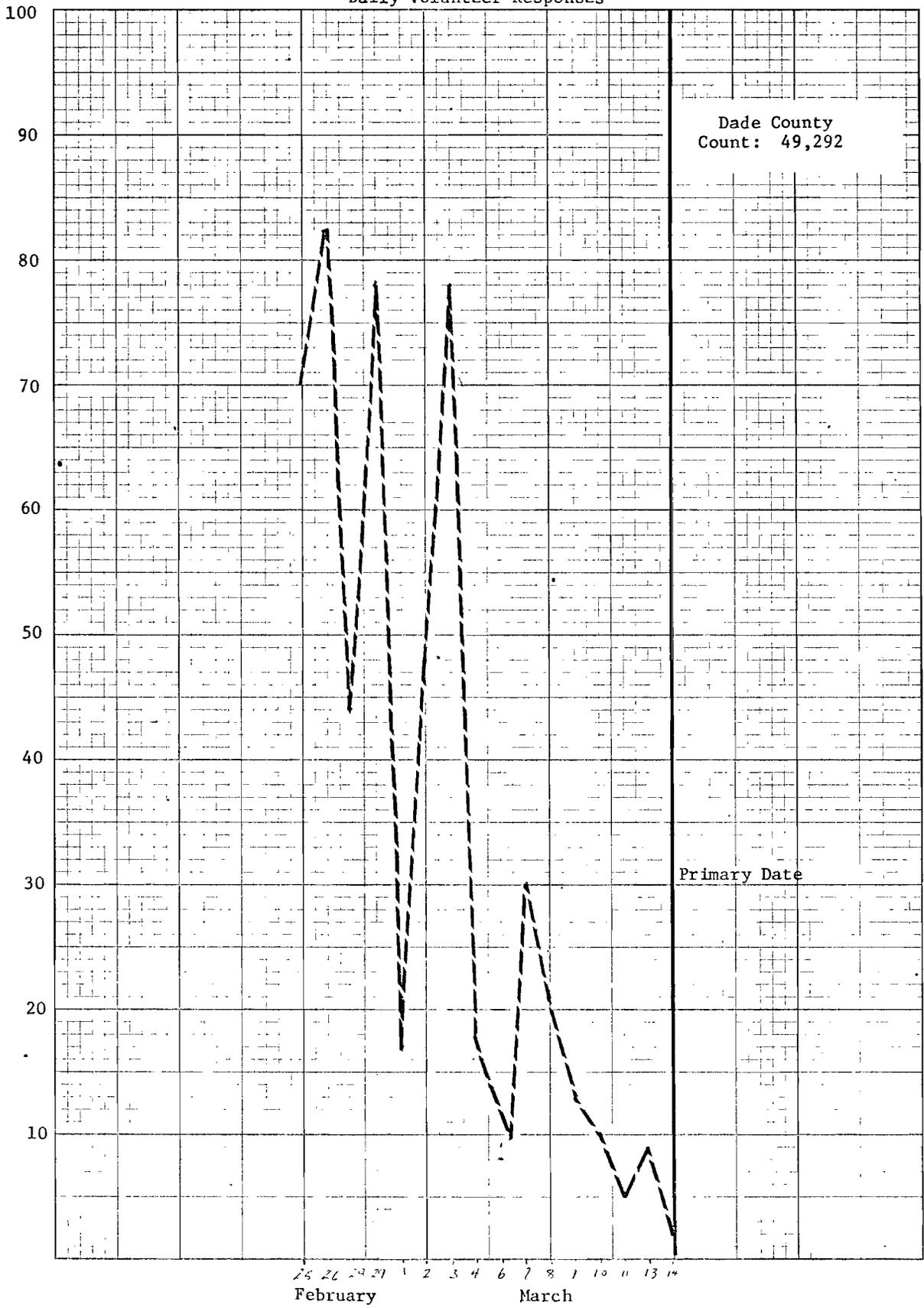
ME 10 X 10 TO THE INCH 46 0780
7 X 10 INCHES MADE IN U.S.A.
KEUFFEL & ESSLER CO.

No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab F

10 X 10 TO THE INCH 46 0780
7 X 10 INCHES MADE IN U.S.A.
KEUFFEL & ESSER CO.



No. of Volunteer Responses

Florida Mailing

Tab G

Cumulative Number of Volunteer Responses

500

450

400

350

300

250

200

150

100

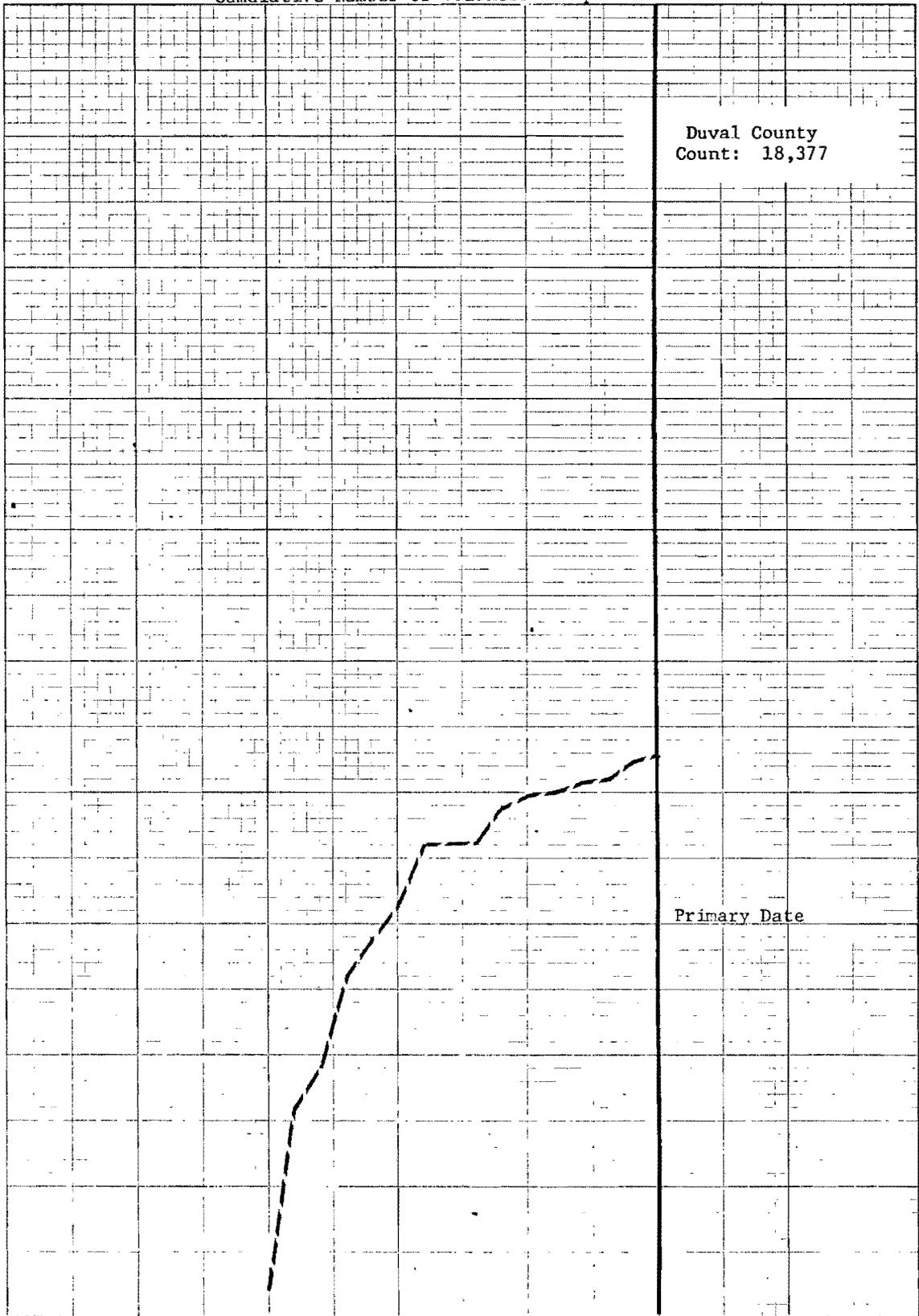
50

Duval County
Count: 18,377

Primary Date

1 1/2" x 10" x 10" TO THE INCH 46 C780
W. G. 7 X 10" TO THE INCH 46 C780
REUFFEL & ASSOCIATES CO.

25 26 27 28 29 1 2 3 4 5 6 7 8 9 10 11 13 14
February March

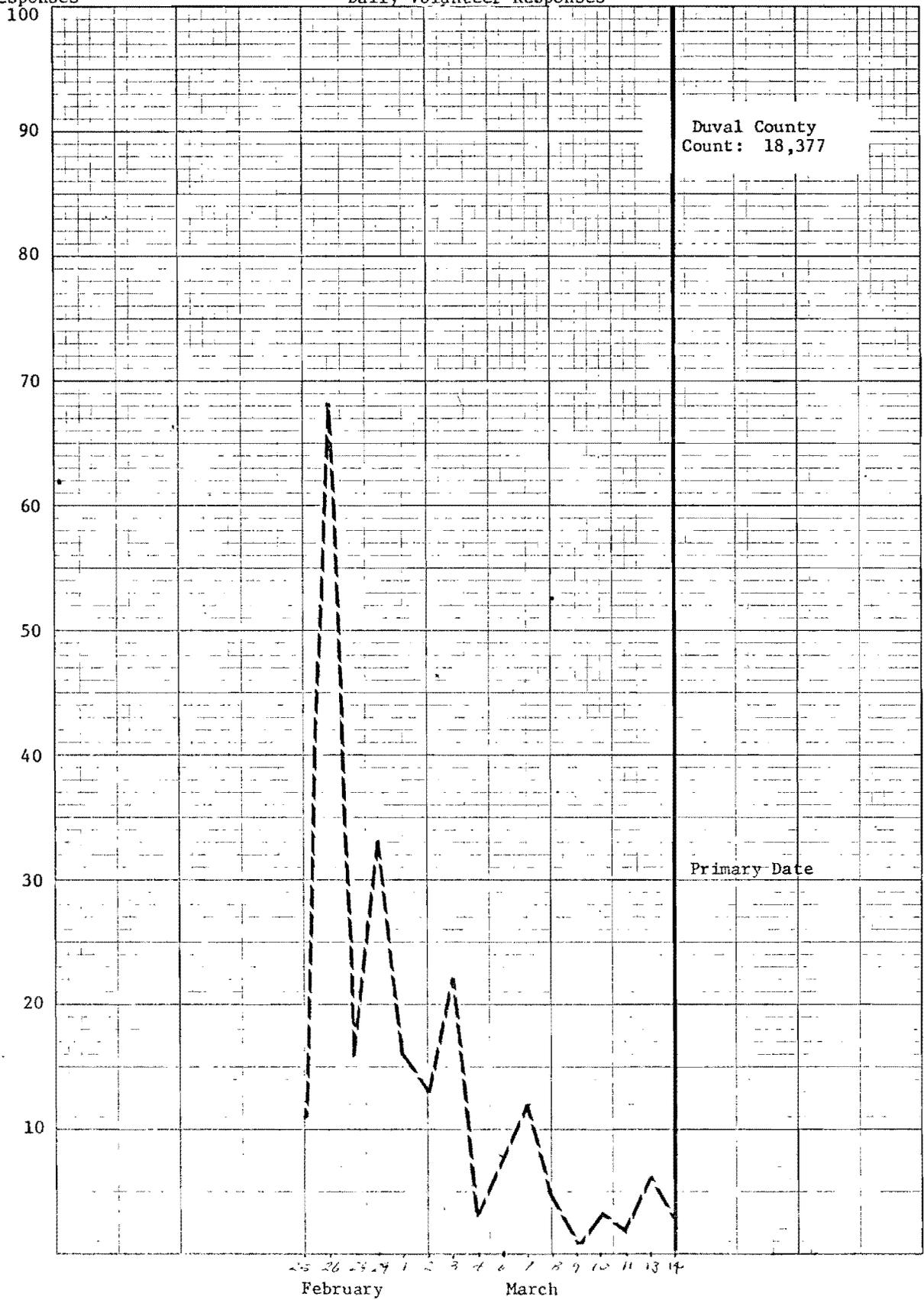


No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab G

1 1/2" X 10" TO THE INCH 46 0780
MADE IN U.S.A.
KEUFFEL & ESSER CO.

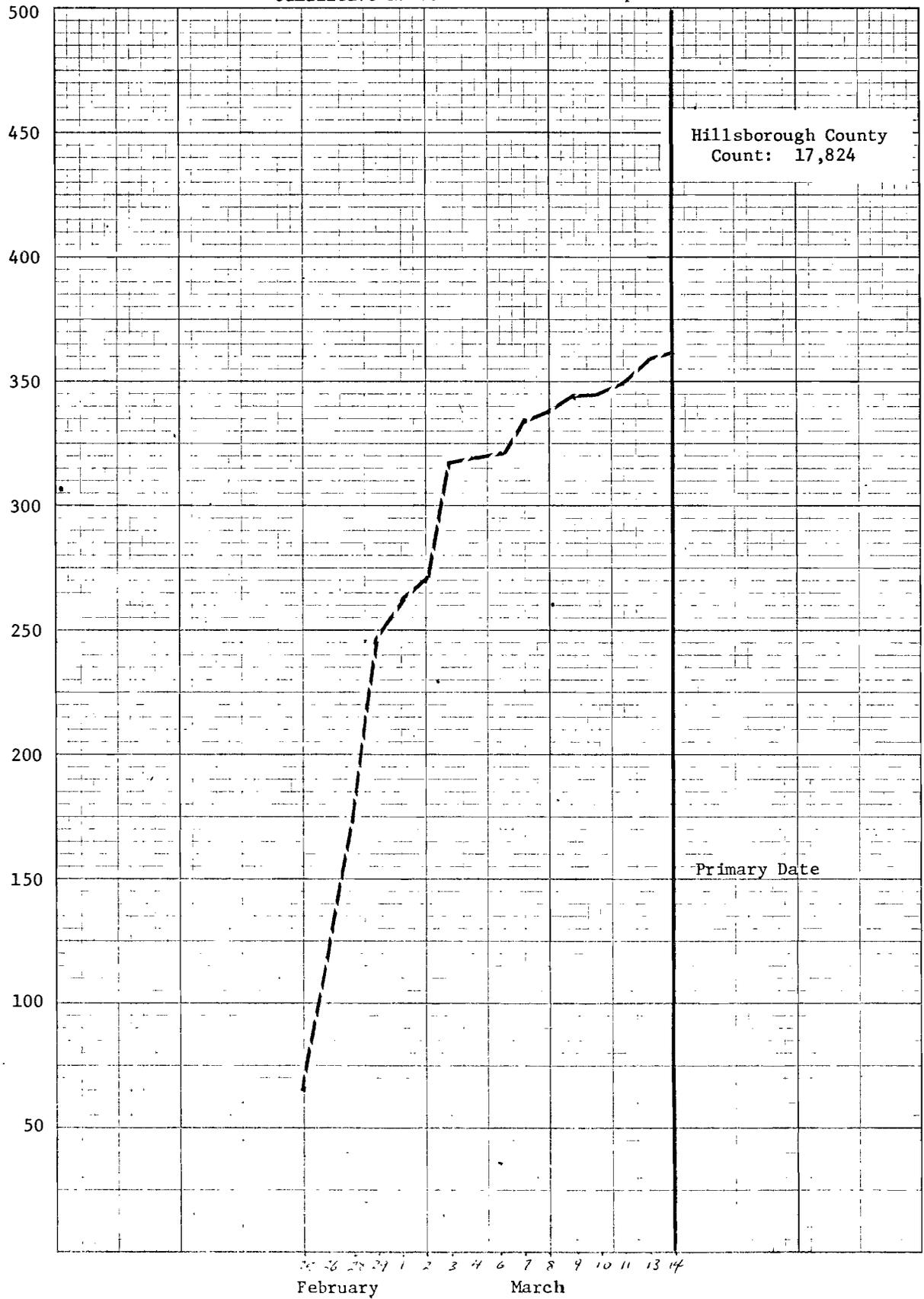


No. of Volunteer Responses

Florida Mailing
Cumulative Number of Volunteer Responses

Tab H

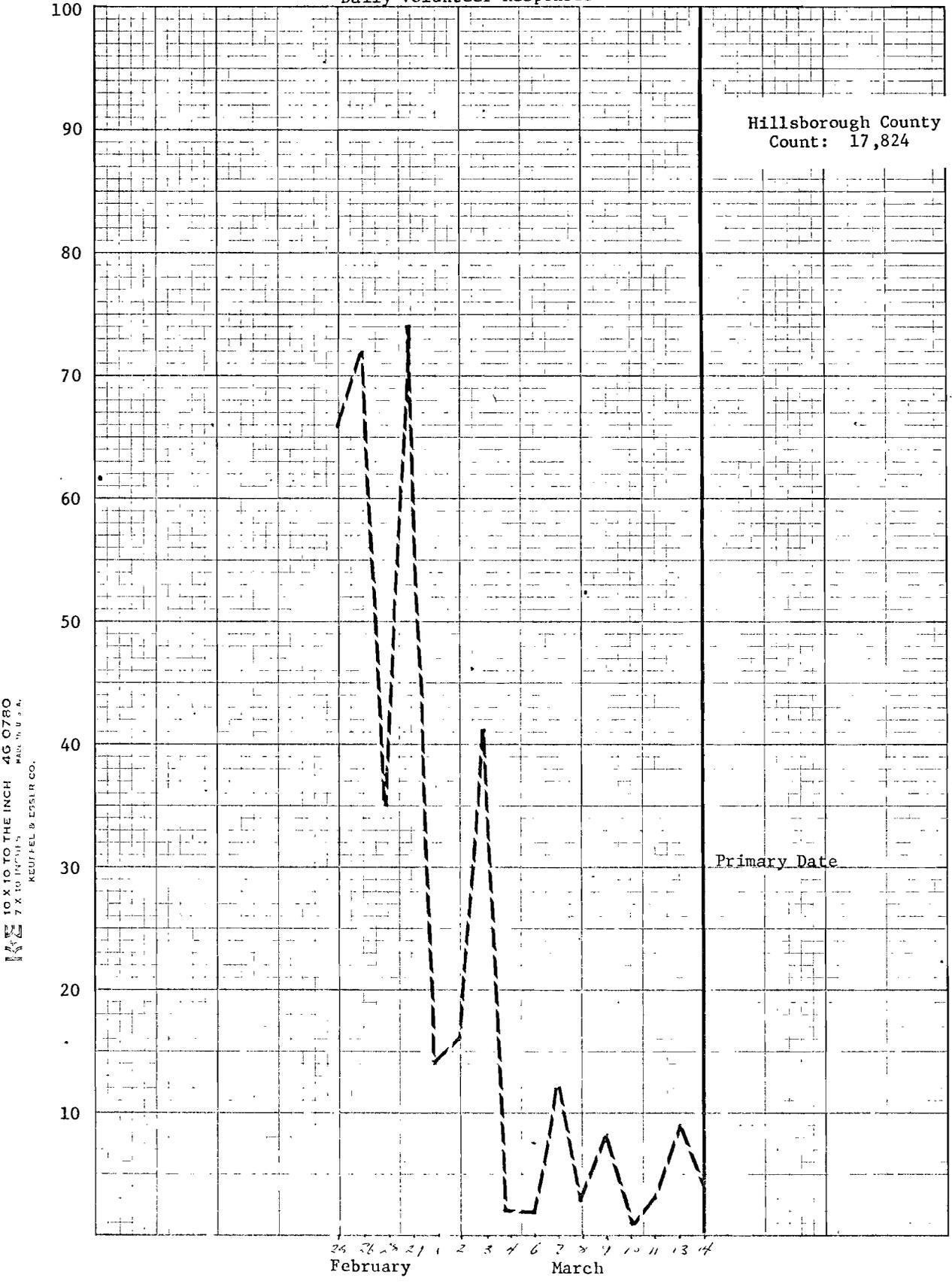
10 X 10 TO THE INCH 46 0750
7 X 10 TO THE INCH
MADE IN U.S.A.
KEUTTEL & ESTER CO.



No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab H



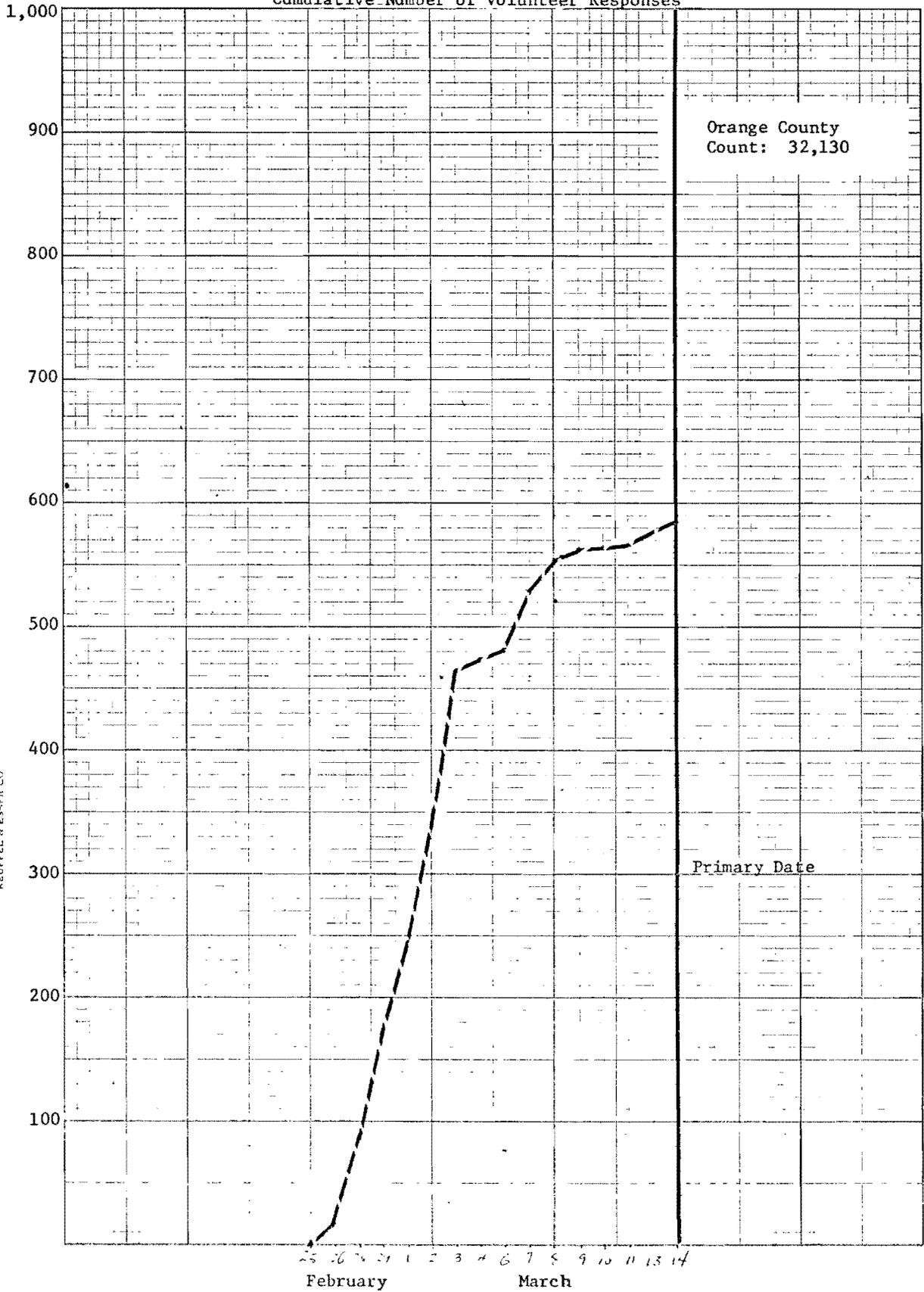
10 X 10 TO THE INCH 46 0780
7 X 10 INCHES MADE IN U.S.A.
KEUFFEL & ESSER CO.

No. of Volunteer Responses

Florida Mailing
Cumulative Number of Volunteer Responses

Tab I

NE 10 X 10 TO THE INCH 46 0780
7 X 10 IN. H.P.
MADE IN U.S.A.
NEUFEL & ESSER CO.

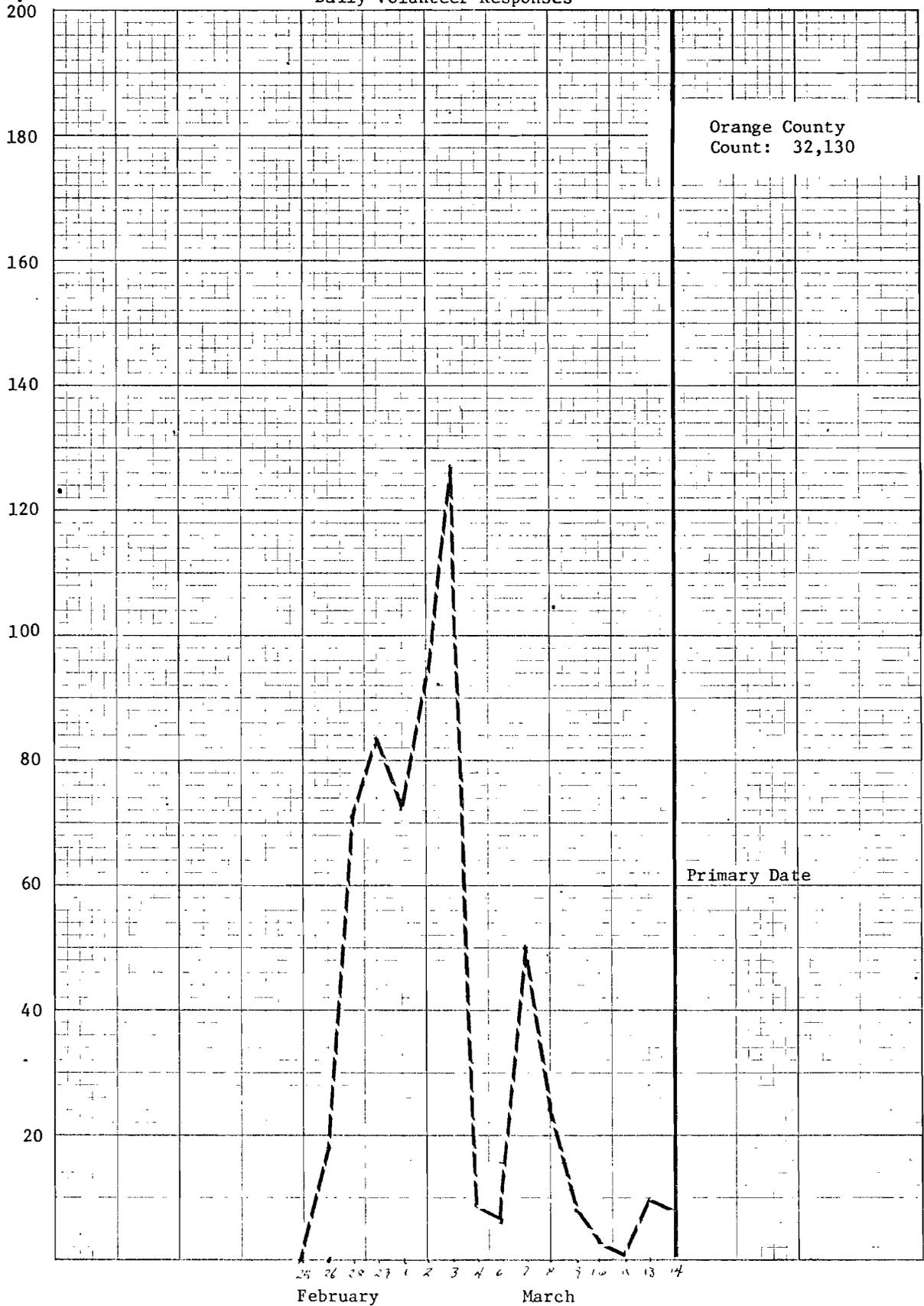


No. of Volunteer Responses

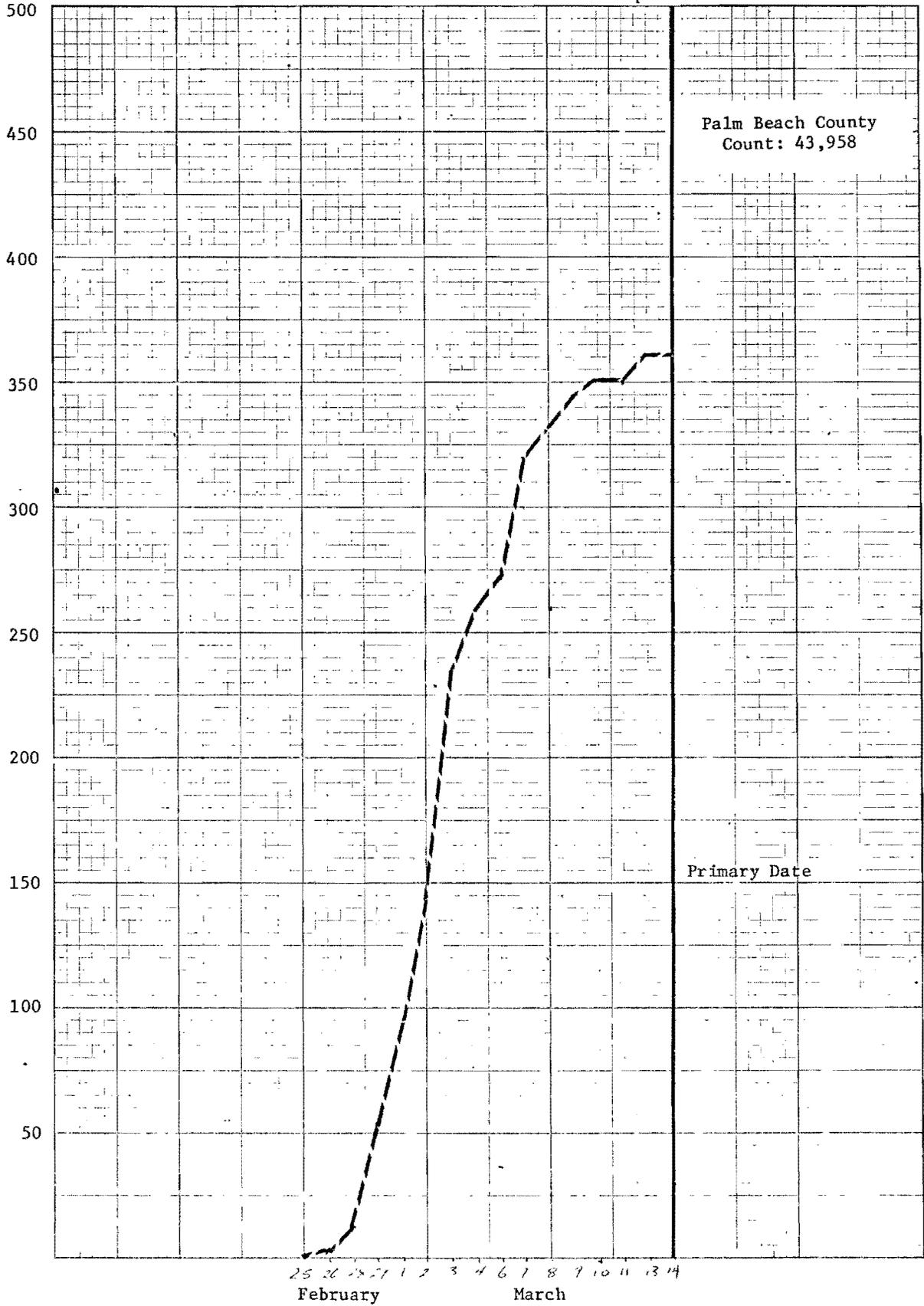
Florida Mailing
Daily Volunteer Responses

Tab I

ME 10 X 10 TO THE INCH 45 0780
7 X 10 INCHES MADE IN U.S.A.
KEUFFEL & ESSER CO.



11 1/2 X 10 X 10 TO THE INCH - 45 0780
7 X 10 1/2 INCHES
MADE IN U.S.A.
HEMPTEL & FESSLER CO.

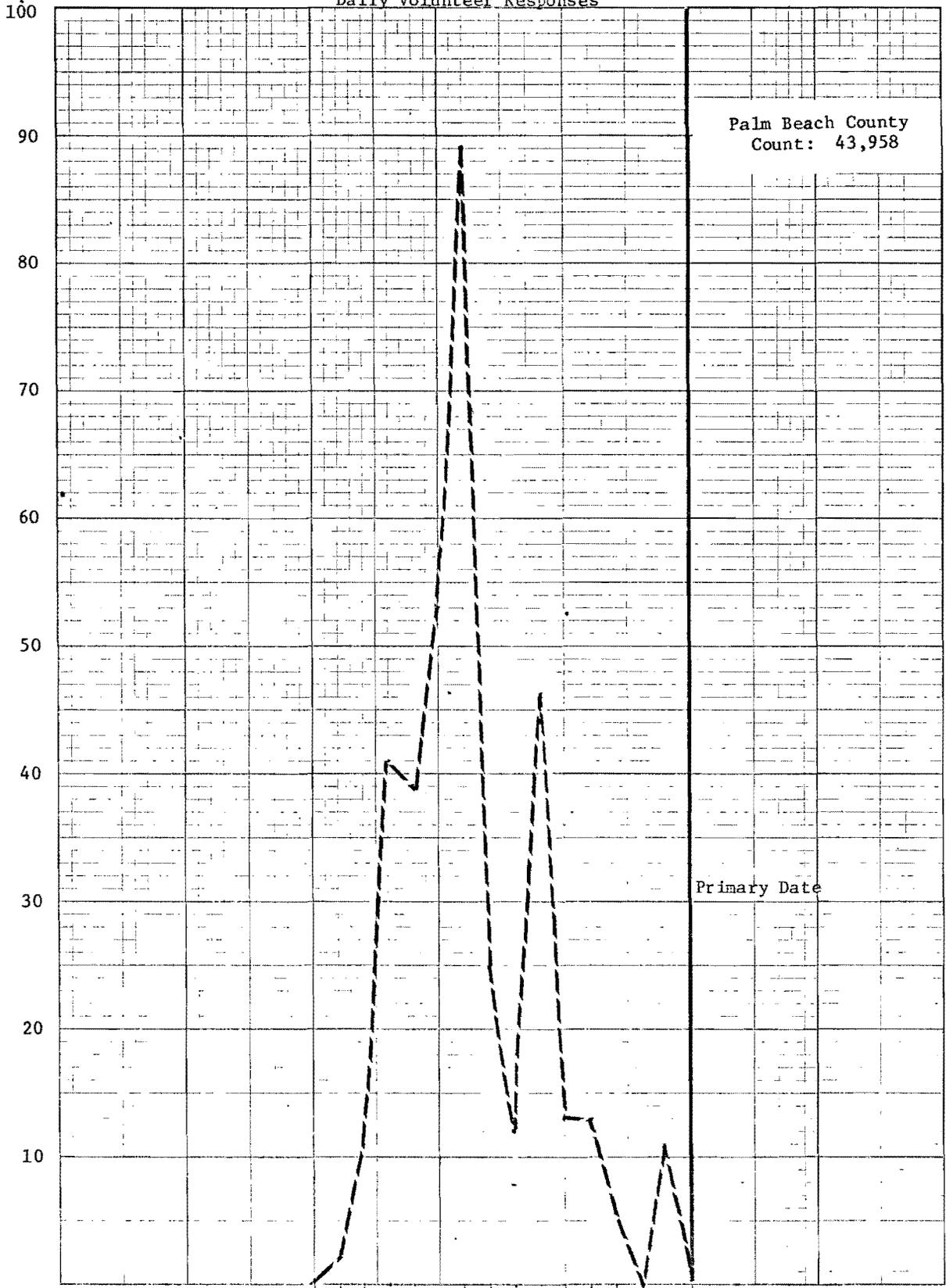


No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab J

SCALE 10 X 10 TO THE INCH 46 0780
K&E 7 X 10 INCH
KLEIN'S RESEARCH



Palm Beach County
Count: 43,958

Primary Date

February

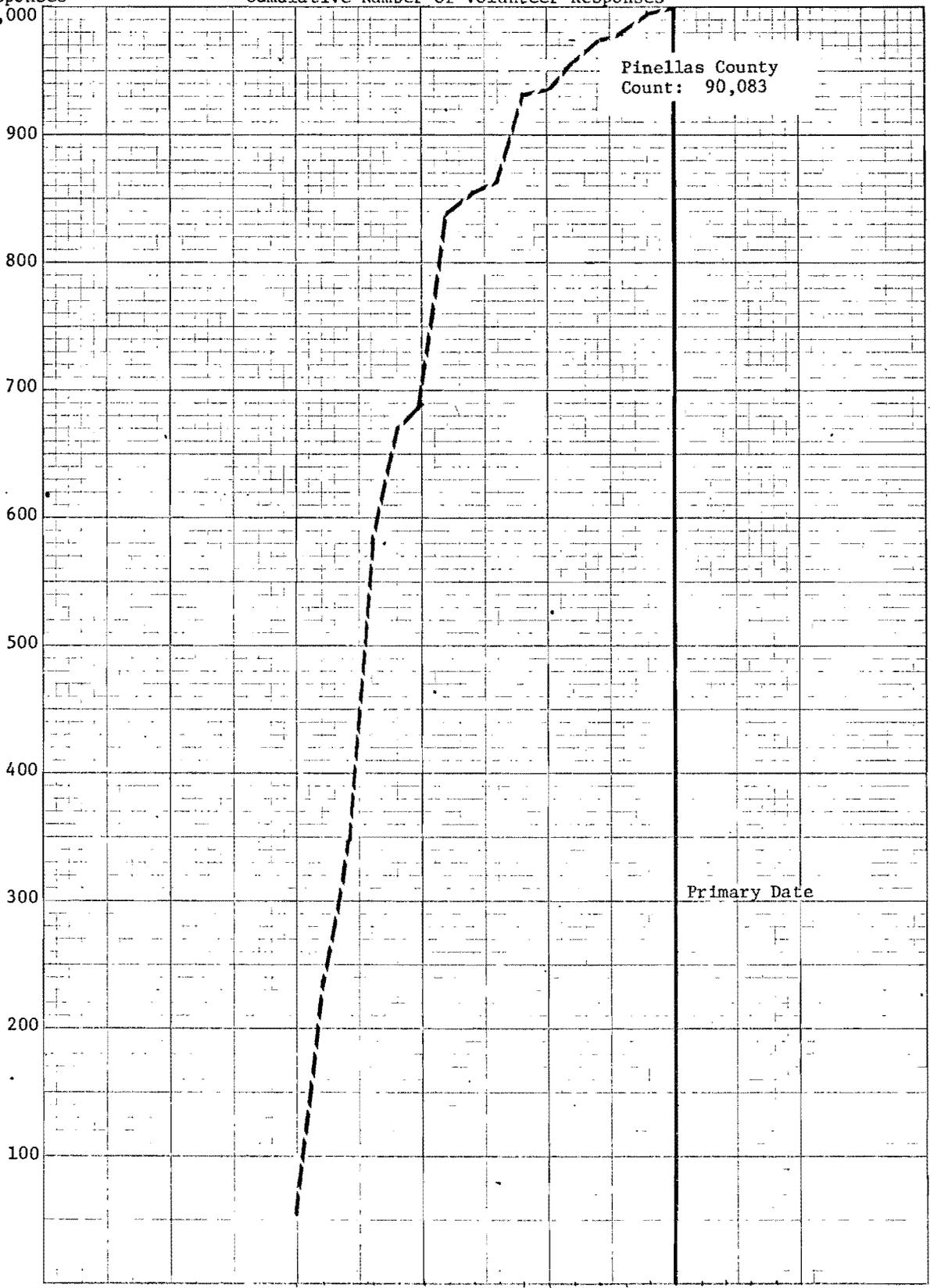
March

No. of Volunteer Responses
1,000

Florida Mailing
Cumulative Number of Volunteer Responses

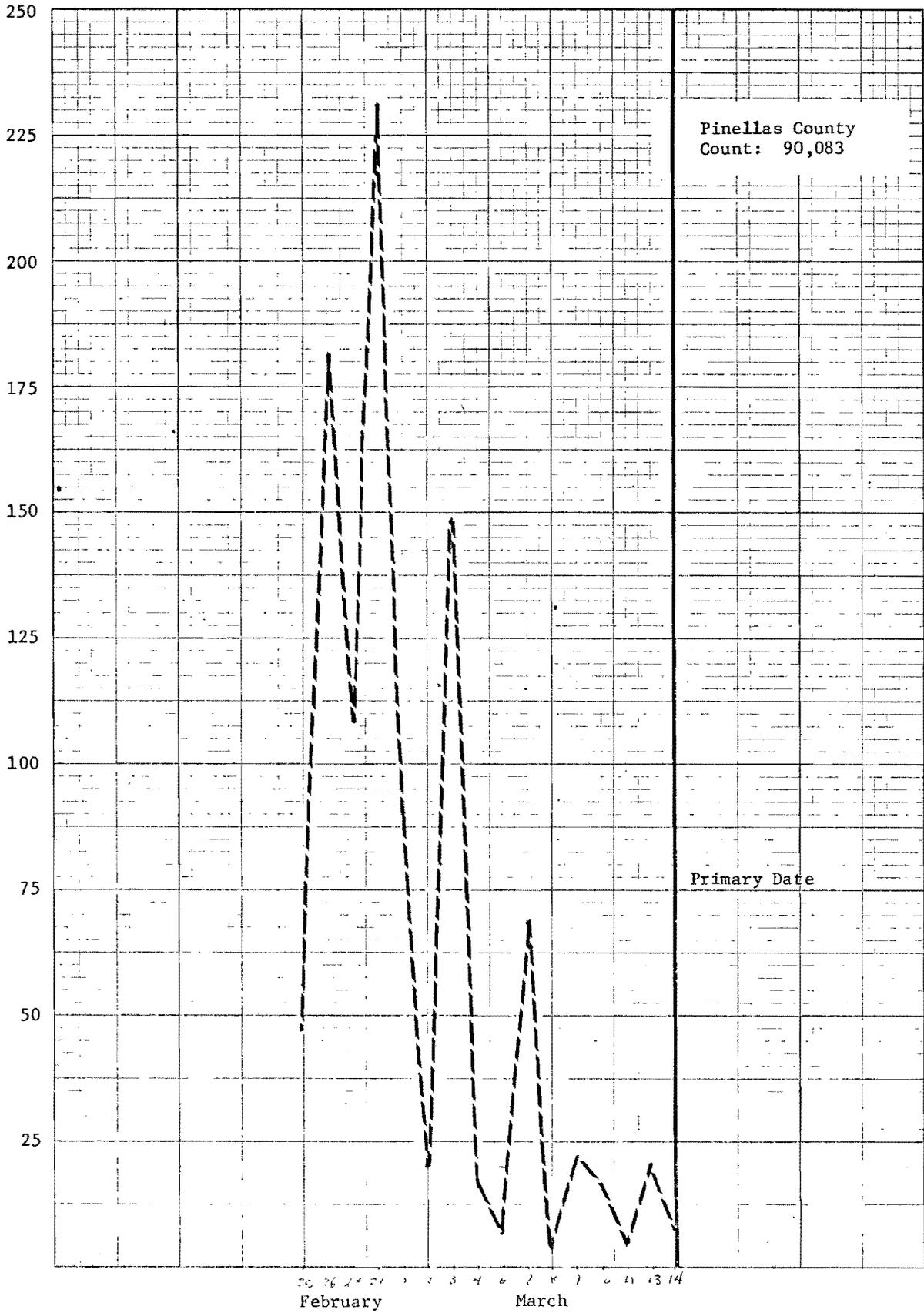
Tab K

10 X 10 TO THE INCH 46 0780
7 X 10 INCHES MADE IN U.S.A.
KLUFFEL & ESSER CO.



February March

1 1/2" 10 X 10 TO THE INCH 46 0780
MADE IN U.S.A.
KEUFEL & SEAYR CO.

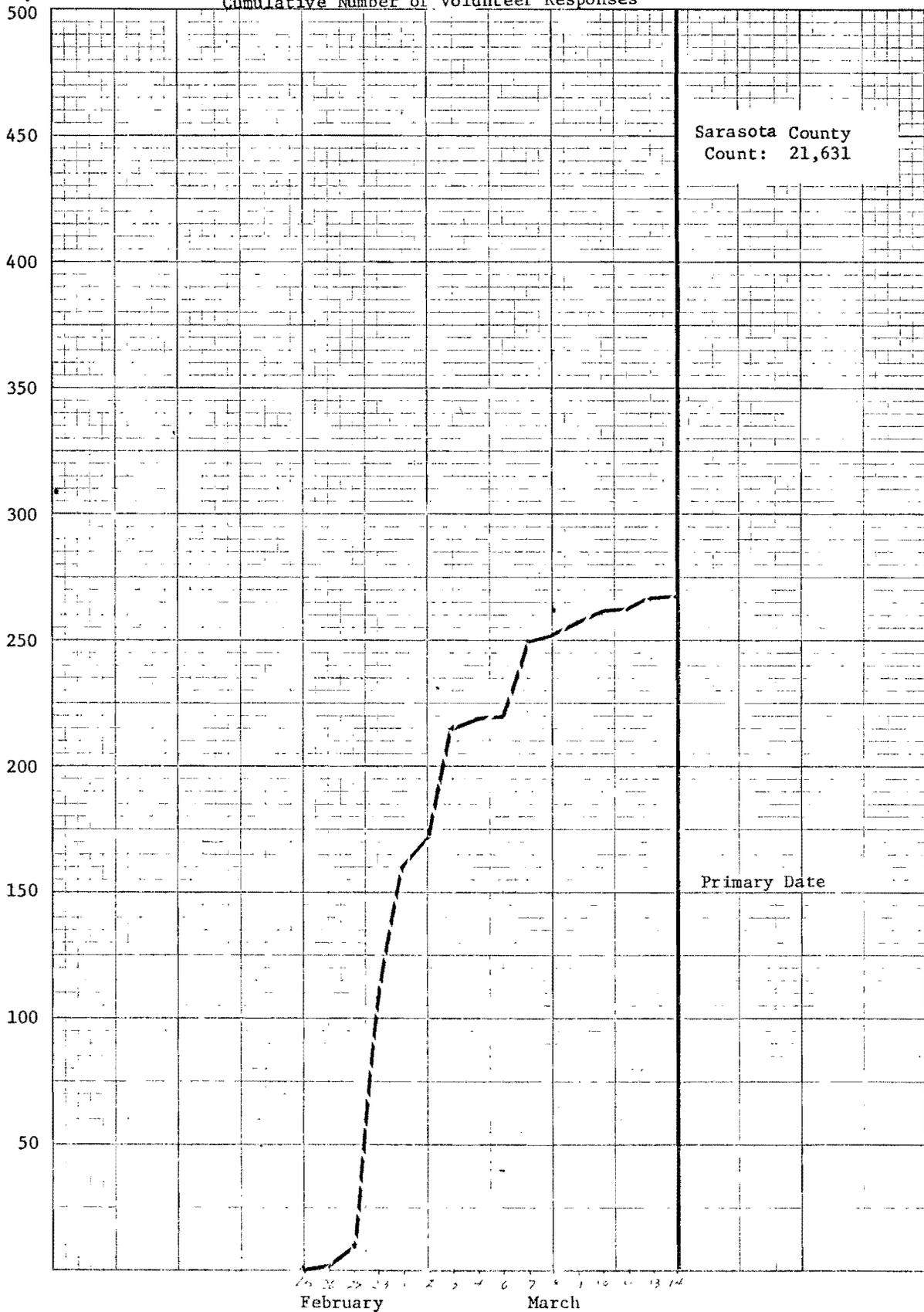


No. of Volunteer Responses

Florida Mailing
Cumulative Number of Volunteer Responses

Tab L

10 X 10 TO THE INCH 46 0780
MADE IN U.S.A.
KEUPPEL & ESSLER CO.



No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

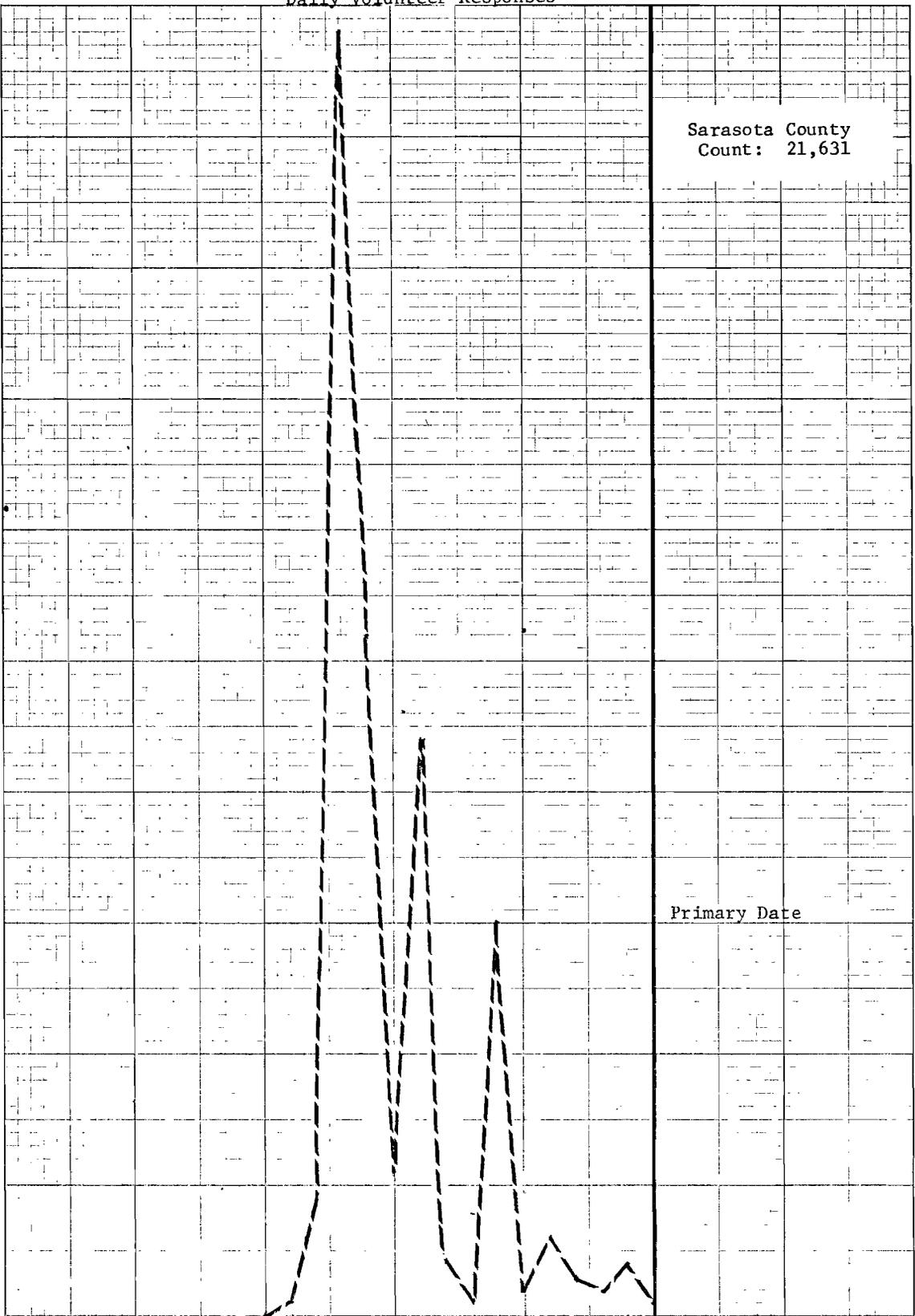
Tab L

100
90
80
70
60
50
40
30
20
10

Sarasota County
Count: 21,631

Primary Date

MADE 10 X 10 TO THE INCH 46 0780
KLUFFEL & ESSER CO.



February

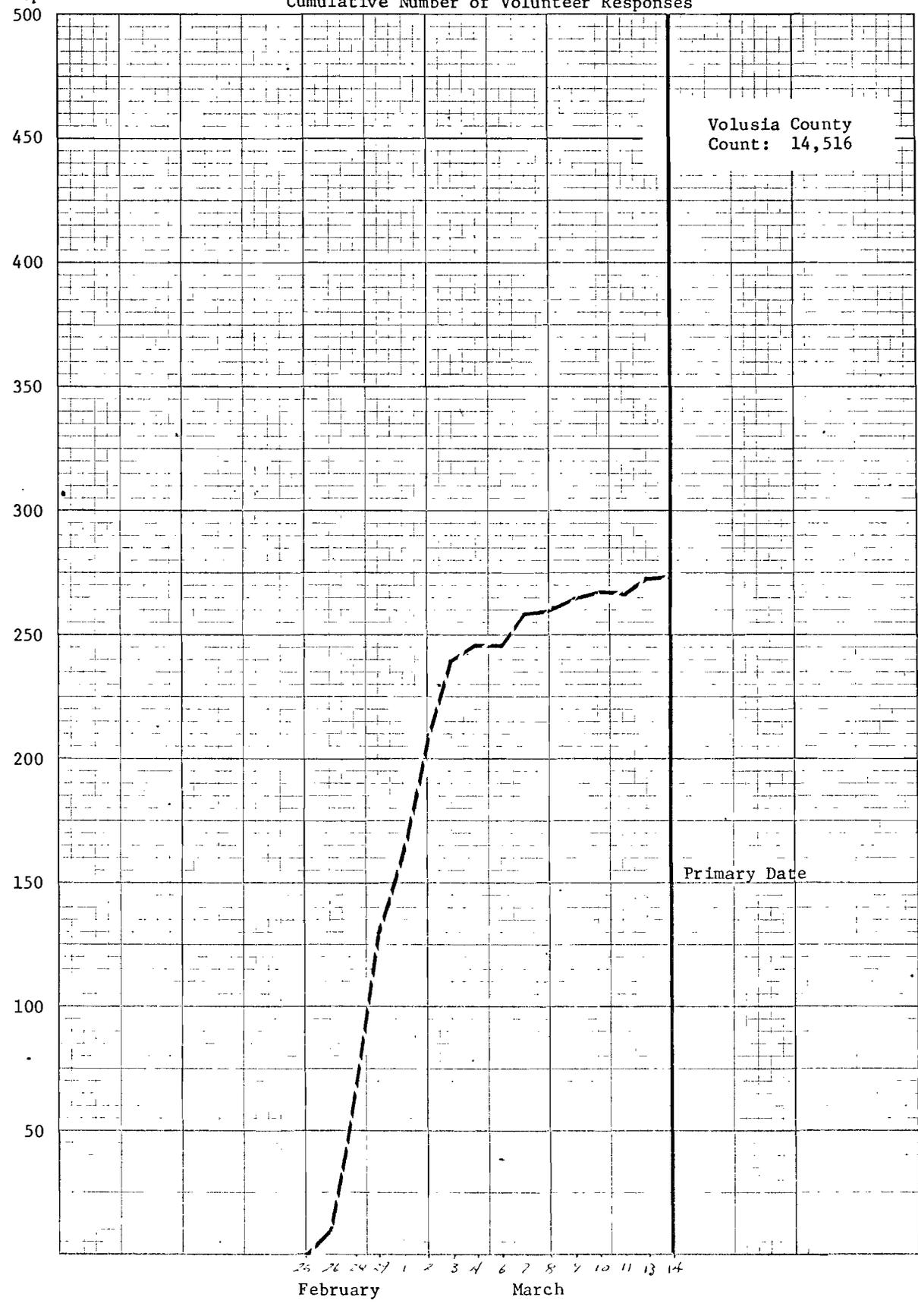
March

No. of Volunteer Responses

Florida Mailing
Cumulative Number of Volunteer Responses

Tab M

10 X 10 TO THE INCH 46 0780
7 X 10 INCHES
MADE IN U.S.A.
KEUFFEL & ESSER CO.

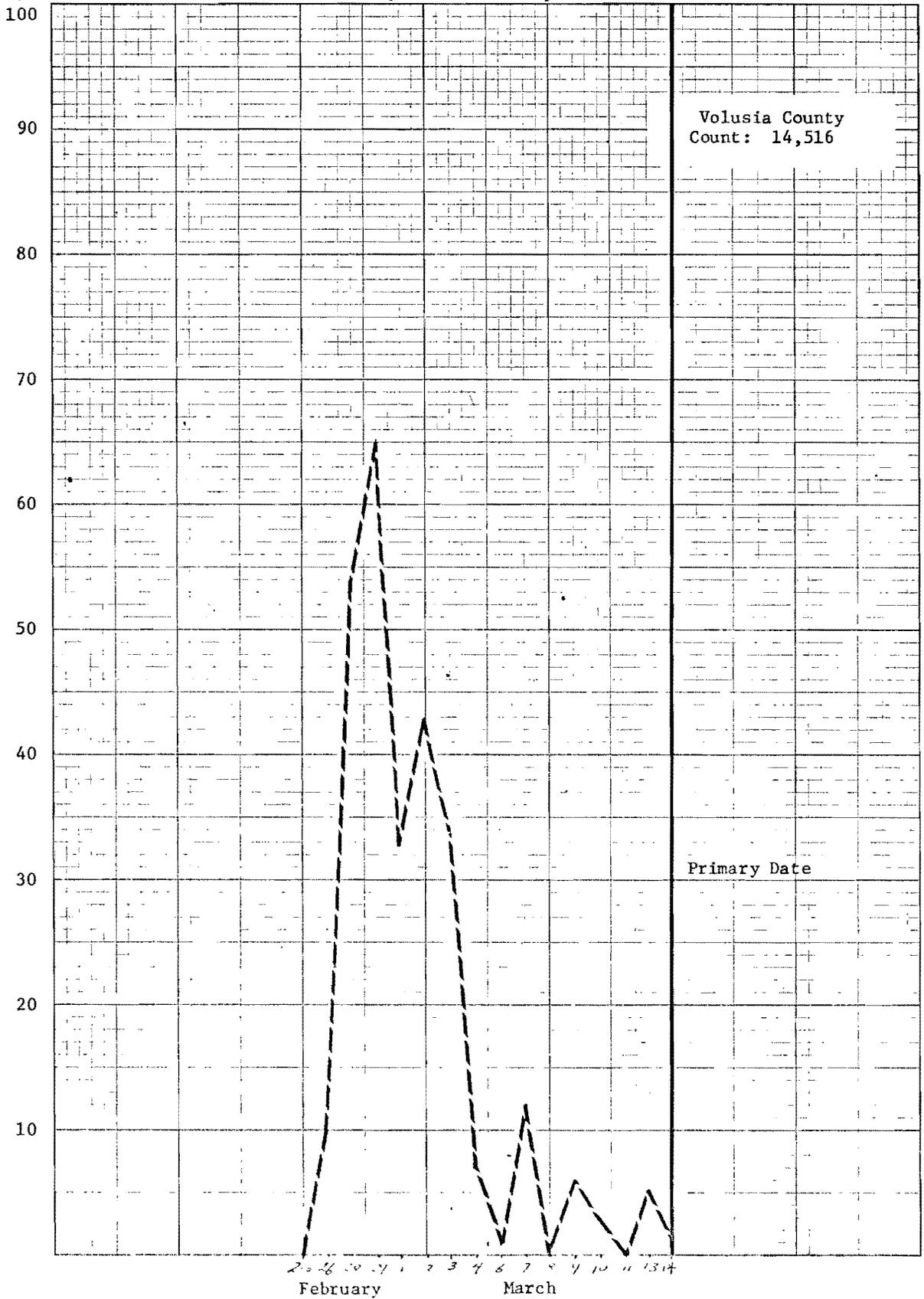


No. of Volunteer Responses

Florida Mailing
Daily Volunteer Responses

Tab M

10 X 10 TO THE INCH 46 0780
7 X 10 IN. PLS. PART IN U.S.A.
KOHUFEL & ESSER CO.



Volusia County
Count: 14,516

Primary Date

A

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

February 24, 1972

CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Nielson Survey

We have been in contact with Arthur C. Nielson, Sr., Chairman of the company which performs the rating service for television programs. As you know, they have a large sample of viewers who maintain detailed diaries of their viewing habits over many weeks.

Nielson would be able, for us, to call each of these people in a given media market and ask about their past voting habits. With that information, we would be able to determine whether the "ticket splitter" has a different type of viewing pattern from the straight Republican or straight Democratic voter. If so, it could be very useful in placing our television advertising so as to have the greatest impact on the uncommitted voter.

At the present time, it is not known whether there is any correlation between voting behavior and viewing habits. Therefore, it is proposed that a pilot survey be undertaken in one market (Chicago) to see if any pattern exists. That would cost \$5,000 and involve a sample of about 1400. If a useful pattern emerged, we would then submit a follow-up proposal for additional tests in important regional media centers such as Los Angeles, Atlanta, etc.

Bob Teeter would coordinate the project, from the point of working with A. C. Nielson on the content of the survey questions and analysis of the data. Peter Dailey would evaluate the usefulness of the results and develop recommendations for additional work, if he felt it would be helpful in implementing media strategy.

The people who would be coordinating the project from A. C. Nielson Company are senior executives who firmly support the President for re-election.

CONFIDENTIAL

- 2 -

Recommendation

That you approve the expenditure of \$5,000 for the pilot project described above, to determine if our target voters have viewing patterns different from the population as a whole.

Approve _____ Disapprove _____ Comment _____

JEB S. MAGRUDER

CONFIDENTIAL

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 13, 1972

CONFIDENTIAL

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

SUBJECT: Actions by the President on Domestic Issues

The Campaign Strategy Group has considered the question of what actions the President should take on domestic issues between now and the Moscow trip.

It was their strong feeling that Presidential travels to various states or cities to dramatize his domestic programs and accomplishments should be limited in number, if done at all. Primary states should particularly be avoided so that he does not fall to the level of the crowd of primary election candidates.

The President's declared position of non-involvement in the early political campaign has remained credible up to this point. As long as it does, his stature as a national leader and world statesman can grow. Any attempt, however, to make political gain out of "non-political" trips could undermine that credibility and restore the image of a partisan campaign.

The group felt that the most effective technique the President has employed has been his direct announcement of personal action on an important problem. That technique has great impact and capitalizes on the asset of incumbency. The most obvious cases have been China and the New Economic Policy. The same type of announcement, if possible, would be the most effective vehicle to reinforce the President's concern and activism on domestic issues. Some important issues, in the minds of the voters, on which the President is not perceived positively are: crime, drugs and unemployment.

The most opportune time to increase the President's stature in these areas will be before the Democratic nominee is selected and the partisan guns are turned on the incumbent.

CONFIDENTIAL

Gordon:

For your information, I obviously
lost my argument with Neil Koch
because here is the statement issued
by Bob Dole Wednesday afternoon.

Van

Encls. .

FOR IMMEDIATE RELEASE

(3/8 at 2:00 PM)

Does N. H. need a recount?

Washington, D. C. -Senator Bob Dole, Chrmn of the RNC, issued the following statement today.

While I am gratified by the results of the R&publican primary race in N.H. , the vote in the primary of the opposition party ~~disturbs~~ disturbs me greatly. I am reuluctant to see Vance Hartke subjected to still another recount, but I do think that the totals suggest a need for a recount in that race.

The tally for the leading candidate is so xlow unless there is some sound political reason for what amounts to a very substantial rejection of that candidacy, one would have to assume the possibility that the votes were just not counted properly. The leading candidate got 1% point lower than the New Hampshire total in 1968 ~~because-P-~~ that caused Pres. Johnson to withdraw.

Of course, I have called on the front-runner to withdraw a number of times but he has not and I conclude from this that he anticipated overwhelming vindication of his positions. Either this judgement is in error, or the count is.

① Dave Jones - A A to James
 JSM+ Bailey
 AG - sincerely concerned
 thinks P "lied" to Bailey

② Teeter + CW/C/JSM - mtg
 excellent; talk to Teeter
 over material + ideas

Pol Issues Mtg

Finch - NH = Dartmouth eventsgd
 Dent - JSM into Jack Anderson
 column

Attendees: Finch, Hornemilk, Dent,
 Evans, Goodearle, Price,
 Timmons, Millsprugh, Lehman,

JSM

① Ashbrook not moving
 strongly - under
 5% - both public +
 private (our polls)
 Mc Closkey - to be kept
 below 20%

RA to get 60-70%

② Campaign

a) telephone poll - 70%
 positive - only Rep being
 called - he undecided

b) - undecided get issues
 mly - P position

c) all Reps - one telecon +
 all Reps - mly 3 times;
 1% response but some \$
 - lists old - 20-25%

d) Get out vote mly w/ exact
 ballot the rotated alphabetically

Devinell + Waller - only job
get out voters - cards
on every voter - telephones + cars
Radio + print but no TV
bec / TV too much of an
escalation

- Radio ads all main street for N.H.

Active surrogate camp

* Manchester armory - Mar 3
Rockefeller / Hinckley w/
20 Sens + 600's

- Ind's can vote for 1st time
in N.H. - polls indicate 3 to 2
for Dems so we are avoiding
beef could go for Melloskey who
hasn't been able to get the Ind's.

- Endicott Peabody - VP activities

No more polling in N.H.,

but telephone checks on effect of Chena

- Evans - turnout, can't rely on
telephone beef unlisted Rep's

Fla -

Ashbrook

Timmons' friend Mike Thompson, Bade
County Am defeat

80% Reps in 10 counties

2 mls - 1st to identify Niontypes
then to 2nd get out vote

Polling info:

→ Ashbrook - 4-5%,
McCloskey - 4-5% w/ no
org

Pro in Fla - if Ashbrook
got \$ in last 2 weeks
could blitz us.

Cubans -

Ashbrook has Wallace pubs
bef Rep nuts re-regis
to help Wallace

Dem \$:

Windsay biggest TV in Fla
no TV in Fla. the ads in can
Ashbrook being seen by Manhattan
12 but no real org
except it wing

Run radio - man in street +
print, no TV, 2 direct mail

Suri's - Mar 9 - Reagan Keynote
w/ Jackie Gleason etc in Miami

Very low key.

Wesivoin - a major effort to
recapture genl election momentum
but use TV.

3 primaries not entered

→ Ill, W. Va + Pa.

but in the other 15

Ill's not related to preferential primary

End of Mar series of mtgs w/ AG

Nixon & Nixon + Rep St Ann.

JSM-Good showing - 65-75% but

win line of 50%

Ashwood + Mel - pushed to 25% each

John Rollins son deil
Nat'l Journal on Price

Chief of Prot
Budley, Homes,

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

MEMORANDUM

March 23, 1972

MEMORANDUM FOR: MR. CHARLES W. COLSON
FROM: JEB S. MAGRUDER

With reference to your memorandum on the VFW and New Hampshire, the only message we had from your office on this subject was a memo from Dick Howard to me on the use of one Daley Whipple. Rob Odle called Dick to get Whipple's address and phone number, Dick called back to give it to Rob, and Rob then called Allan Walker, our executive director in New Hampshire and asked Allan to make contact with him.

Whipple was contacted and asked to organize his troops to participate in the March 3 Appreciation Day Rally, but he said he had to be out of the state for a time, and would rather not participate in the campaign in New Hampshire until after the primary.

Chuck, this is the only contact we ever had from your office on this subject. We followed through as did our man in New Hampshire, but the fellow who was supposed to help didn't.

Naturally, in the campaign, we are going to organize a maximum effort with veterans. The Veterans Committee for the Re-election of the President will be one of Fred Malek's functional groups which will shortly be formally structured. We have already recommended a candidate to John Mitchell as executive director of this group and expect to have approval on him shortly. Of course he and the entire Veterans Committee will work closely with your office and Fred Malek will be of great assistance in coordinating this.

bcc: Mr. Gordon C. Strachan

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

MEMORANDUM

March 10, 1972

MEMORANDUM FOR: THE HONORABLE JOHN N. MITCHELL
THROUGH: JEB S. MAGRUDE
FROM: CLAYTON YEUTTER

Congressman Latta of Ohio made a comment to me a couple of days ago that may have merit as we plan strategy for Ohio. He said that if he were running a state-wide campaign in Ohio, his first move would be to enlist the personal support of the state's Republican Congressmen. His rationale for this is that a large number of the Congressmen typically run far ahead of state-wide candidates (including Mr. Nixon in 1968) on election day. If they will work hard for the President while conducting their own campaigns, they may be able to significantly boost his vote total.

I am impressed with his argument. Excluding Ashbrook, the following Republican Congressmen garnered more than 60% of the vote in both 1968 and 1970: Clarence Brown; Clarence Miller; William Keating; Charles Whalen, Jr.; Del Latta; William Harsha; Jackson Betts; William McCulloch; J. William Stanton; Charles Mosher and Chalmers Wylie. In addition, William Minshall was in this category in 1970.

There are some very talented politicians in this group. (Latta himself received more than 70% in both 1968 and 1970.) We ought to try to capitalize on this in the Presidential campaign if we can.

cc: Mr. Harry Flemming
Mr. John C. Foltz

E. - P. Est Plan + inject
yes, G draft note -> Dean.

Dems - telephone - ABC - Sat^{even} 8-9
19 hrs - 610,000 - cost + cable
etc. = 1 million in cost.

Celebrities loaded fundraising appeal
Comm name change
Advertising, etc. Re-Elect P. Nixon
Comm name - change after
letter

Wise telephone study - Thu/Fri
Dems?
P v P Nixon?

Out - attack on pol. purpose bel/
e or sm story held for pol. motives.

Ken Dam - copy of The Re-Elector - Frank.

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 24, 1972

~~CONFIDENTIAL~~

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

SUBJECT: Jimmy Hoffa, Jr.

During the course of our Strategy Planning meeting which focused on the plans for the Michigan Primary, Jack Gibbs, our Michigan Executive Director, raised the question of whether Jimmy Hoffa, Jr., should be appointed to the Michigan Committee.

Gibbs feels, as does Bob Teeter (who is from Michigan) that the addition of Hoffa to the large group of prominent Michigan citizens who are being asked to join the Committee, would be a real boost to the Committee in that state. However, others (such as Peter Dailey) feel that the addition of Hoffa to a state committee would be a net detriment nationally. Therefore, the question is whether you feel the national reasons for not putting Hoffa on the Michigan Committee would outweigh the gain in Michigan from putting him on.

Your guidance would be appreciated on whether Jack Gibbs should be asked to put Jimmy Hoffa, Jr., on the Committee.

Ask Gibbs to put Hoffa on the Committee _____

Ask Gibbs not to put Hoffa on the Committee _____

March 20, 1972

MEMORANDUM FOR THE VICE PRESIDENT

I have discussed the whole matter of speaking engagements with John Mitchell, and we both feel it is important that you limit future acceptance of fund-raising events to those sponsored by state Committees for the Re-election of the President. The only exception would be for events which are promoted jointly by the State Republican Committee and the State Committee for the Re-election of the President, with the two splitting the net proceeds equally.

That being the case, I recommend that you do not accept the following invitations:

Indiana State GOP Fund Raiser	June 15
North Carolina State Fund Raiser	June 10 or 17
Arkansas GOP Fund Raiser	May 6
Fort Worth, Texas Fund Raiser	Month of May
Montana Fund Raiser	Date Open
State of Washington	

You also noted three events to which you are already committed, as follows:

Nebraska Fund Raiser	June 9, 16, or 17
Ohio (Columbus)	May 9
New Jersey (Westfield)	April 22

If it is not reasonably possible for you to withdraw from them, you will undoubtedly have to keep the commitments.

I hope that this is clear and that it will present no problems for you.

Maurice H. Stans

cc: Walter Jones

P.S. I understand that Tom Pappas would like you to go to Massachusetts to speak at a joint dinner in which our State Committee would share 50-50. This would meet the guideline above.

*Keep Staff against
15% keep
don't care
will
diminish
rejection*

Malek

① E. prob.

② Job Description | Titles Dep.
Citizens groups | Comp Money

③ WH Staff contact w/ Comm
GS + JSM.

④ State Chairman contact

⑤ Advertising

⑥ Relationship at 1701
- 75% time at 1701
- only mtgs in WH
w/ WHS not 1701

— ⑦ JSM - finesse
Fla w/ JM + Fleming!
* < FM meet w/ Teeter on polls
apparently not results.

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

February 16, 1972

MEMORANDUM

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Mr. W. Ernst Minor

As you know, we agreed to invite Ernie Minor to join our Spokesmen Resources Division staff for the purpose of scheduling the Surrogate Spokesmen he has been handling at the Republican National Committee. I appreciated your hesitancy in agreeing to that proposal, however, and I postponed discussing the subject with Ernie in the hope that an alternative agreement might be reached. As a consequence, we met with Ernie on February 10, 1972, and discussed the following proposal:

1. We will employ an additional individual to work in our Spokesmen Resources Division. That individual will schedule those Governors, Senators and Congressmen who have been, or will be, asked to act as surrogate spokesmen. We propose to employ an individual for this position who has had some experience on the Hill and, perhaps, has served as an administrative assistant.
2. Ernie will schedule, from the Republican National Committee, all other Governors, Senators and Congressmen. Ernie assured me that there will be full cooperation and communication with our operation.
3. The one exception to the foregoing division of responsibility is that Ernie will be our scheduling contact with Governor Reagan. I agreed to that because of Ernie's close established relationship with the Governor. Ernie will, of course, continue to schedule Senator Dole.

Memorandum for the Attorney General

February 16, 1972

Page Two

Ernie agreed to this proposal and has, in fact, confirmed it to me in a subsequent memorandum. I believe this arrangement will satisfy our requirements and be acceptable to all concerned.

JEB S. MAGRUDER

X

Committee for the Re-election of the President

MEMORANDUM

March 24, 1972

MEMORANDUM FOR: THE HONORABLE JOHN N. MITCHELL
THROUGH: JEB S. MAGRUDER
FROM: HERBERT L. PORTER
SUBJECT: Surrogate Candidates

It is my understanding that Secretary Morton recently spoke to you complaining about being scheduled into certain events in conjunction with "Appreciation Day" in Florida on March 9th. Also, Jeb Magruder has shown me the letter you received from Secretary Morton outlining his "strategy" for scheduling his future appearances.

In discussing this situation with Bob Hitt of Morton's office, I reviewed carefully the reasoning for having Secretary Morton accompany us to Florida. In Florida, the Secretary was the only member of the Administration present, was introduced as "representing the President", and was given top billing at our airport arrival that afternoon. In addition, an impromptu plane-side press conference (shown on all three Miami T.V. stations that evening) was held upon arrival.

I disagree with Hitt's claim that the Secretary was "shunted to a lower level" with Governor Reagan being in attendance. Hitt also said that the Secretary considered it a "waste of time" for him to be on the same program as Ronald Reagan and Red Skelton. This attitude on the part of our surrogates will only hurt the President. It certainly is not what the President had in mind last October when he asked the Cabinet to hit the campaign trail.

It is my hope that the proposed letter from you to our surrogates will help to alleviate some of the complaints.

In my opinion, the Secretary's plans for publicizing the national resource problems and talking about the environmental activities are good. However, on these special "Appreciation Day" events, nothing beats getting out among crowds, shaking hands, and doing some old-style political campaigning. That is where the T.V. cameras are.

✓ cc: H.R. Haldeman

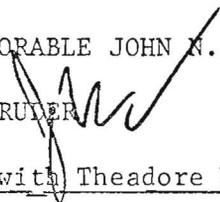
COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

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1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 23, 1972

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER 

SUBJECT: Interview with Theodore White

Following your departure for Key Biscayne your office was contacted by Theodore White, who will be in Washington next week and wanted to set up an interview to discuss the campaign. Since you were away this call was referred to my office.

White is interested in speaking with someone who has an overview of the campaign during the first part of next week. With your approval I will meet with White to discuss the campaign.

Approve _____ Disapprove _____

Comment _____

U

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 23, 1972

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

SUBJECT: Results of the Mock Primary at the University
of Wisconsin at Whitewater, March 22, 1972

Attached for your information are the results of another
mock election where the President won on a college campus.

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

March 22, 1972

MEMORANDUM FOR:

JEB MAGRUDER ✓
FRED MALEK

FROM:

KEN RIETZ

SUBJECT:

Mock Primary - University of
Wisconsin at Whitewater, March 22, 1972

Following are the results of a mock primary which was held at the University of Wisconsin at Whitewater on Wednesday, March 22, 1972.

Nixon	318
McGovern	302
Jackson	45
Muskie	36
Chisholm	31
Lindsay	25
McCarthy	24
Wallace	22
HHH	15
Ashbrook	8
Patsy Mink	3
Wilbur Mills	1
Write-ins	15

The mock primary was sponsored by the student government, conducted by the student elections committee and held in conjunction with the student senate elections. The candidates were listed according to party on the ballot.

cc: Van Shumway
Angela Harris

881
DETERMINED TO BE AN
ADMINISTRATIVE MARKING
E.O. 12085, Section 6-102
By ep NARS, Date 3-30-82

0
March 22, 1972

CONFIDENTIAL

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

The Sheraton Corporation has offered to purchase the inside cover space for an ad in the convention program book. The cost of this ad to Sheraton would be \$25,000. It is our understanding that Sheraton has also offered to purchase a similar ad in the Democratic National Committee's program book.

With your approval, I will advise Dick Herman that we should accept the Sheraton offer and will run their ad on the inside cover of our convention program book

Approve _____ Disapprove _____ Comment _____

Or, should we advise Dick only to accept the Sheraton offer if the DNC also accepts/

Approve _____ Disapprove _____ Comment _____

CONFIDENTIAL

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COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20005
(202) 333-0920

March 24, 1972

CONFIDENTIAL

MEMORANDUM FOR H. R. HALDEMAN

FROM: JEB S. MAGRUDER

Attached for your information is a copy of a memorandum I received from Bill Novelli on the development of advertising directed to voter subgroups.

CONFIDENTIAL

Committee for the Re-election of the President

March 16, 1972

MEMORANDUM

TO: ALEX ARMENDARIS
PAUL JONES
KEN RIETZ
DAN TODD
CLAYTON YEUTTER

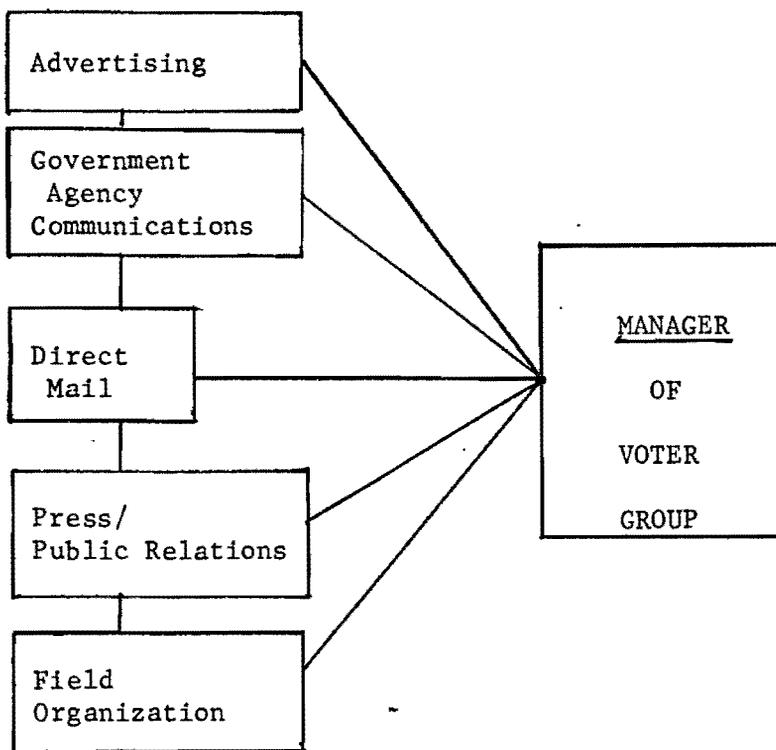
FROM: BILL NOVELLI *WDN*

SUBJECT: Development of Advertising, Directed to
Voter Subgroups.

1. Where Advertising Fits.

Advertising is one of several major tools in the overall re-election campaign effort to maximize the President's votes among specific voter groups.

Obviously, each part of the total effort must be coordinated with the others in terms of objectives, strategy, and timing. This overall coordination is best handled by the manager responsible for each voter group.



ETC.

Advertising probably has more trouble breaking through to the voter than messages that are not recognized as partisan, such as a government agency announcement which reflects well on the President. However, advertising's strength is its ability to direct a specific, controlled message to a precise audience with heavy repetition -- with the clear objective of voter attitude change.

2. How Advertising Media Plans Will be Developed For Voter Groups

A. Where to Advertise - the first step is to determine where advertising should be run, and at what media levels. This will be done by determining which specific areas within key states will be necessary to win that key state and its electoral votes. Each state, each county and each ADI (Area of Dominant Influence - a measurement of media coverage) will be indexed in importance and potential using such criteria as:

- i previous voting
- ii current poll data indicating voting intentions
- iii overall importance of the area in terms of electoral votes.
- iv any political considerations that are considered significant by the Committee

Based on these indexes, the approximate media weight each area will receive can be calculated.

B. Which Audiences In Each Area Will Receive Advertising.

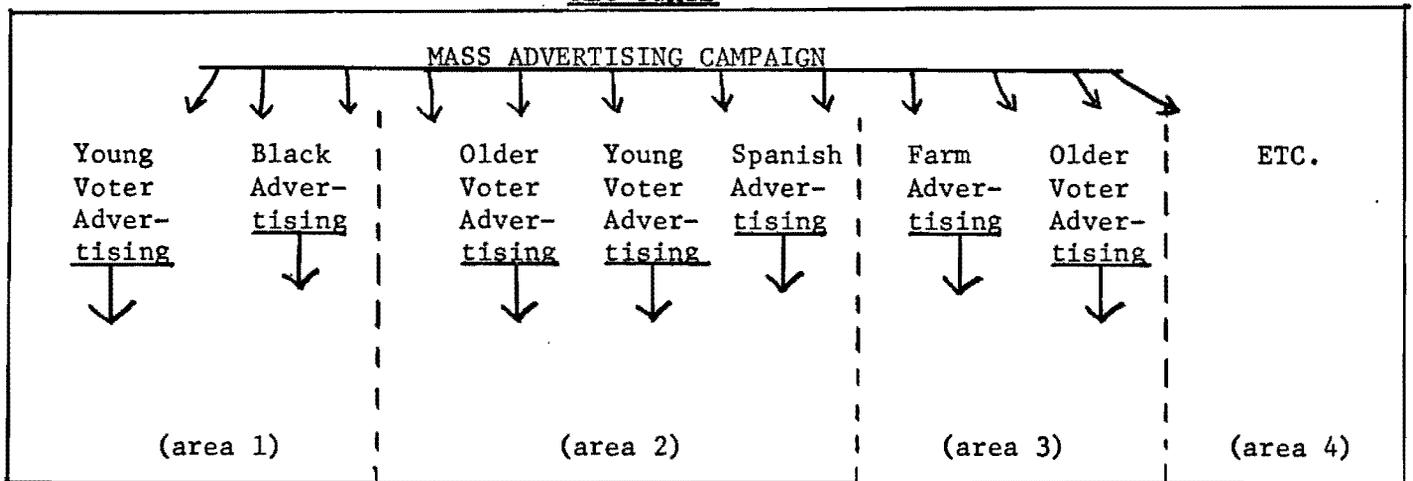
Each area that is considered important enough to receive substantial advertising weight will actually be subject to two advertising campaigns. The first of these will be a mass effort that will appeal to the great majority of voters. The media strategy will be broad reach and coverage.

The second advertising campaign will be harmonious with the mass audience effort, but will be specifically aimed at the significant voter groups in the area. Each of these voter groups will be evaluated in terms of:

- i previous voting
- ii size of group and its estimated percentage of the total area's vote
- iii potential to vote for the President.

A media program will then be designed for each voter group, using the media that will reach these groups most efficiently and effectively.

KEY STATE



3. How Advertising Messages Will Be Developed for Voter Groups

The next step is to determine what to say to each voter group to whom advertising will be directed. This will be done as follows:

- a. Analysis of voter group attitudes - how the people of a specific group feel about various issues; how they feel about the President, and his potential opponents, and what special concerns they may have as a group.
- b. Qualitative Concept Testing - using the information from the analysis of group attitudes, focus group sessions will be held to provide additional direction. This will lead to the development of one or more possible creative concepts, and perhaps some preliminary copy development.
- c. Quantitative Concept Testing - now the concepts will be checked through research using individual interviews and a larger sample to be sure the copy strategy and concepts have broad appeal and relevance.
- d. Message Testing - Advertising (TV and radio commercials, print advertisements) will be developed on the basis of the concept research. Representative examples of this advertising will then be tested to determine whether they:
 - i communicate the creative strategy
 - ii are believable
 - iii contain issues/concerns that are still important to the voter
 - iv contain any serious dislikes
 - v can provide additional direction for future copy.
- e. At key stages in the development of both media plans and advertising copy, the manager of the voter group will be asked for

comment and suggestions. Specifically, the advertising group will want to know:

- i based on his knowledge of his voter group and his campaign organization, how does the voter group manager assess the advertising?
- ii How does the advertising fit in with the other parts of the voter group campaign?

Also, the advertising group will periodically issue a status report to each voter group manager which will outline the timing and progress of copy and media development.

If you have any questions or comments regarding this program for advertising to voter groups, please call.

cc: Pete Dailey
Phil Joanou
Jeb Magruder ✓
Mike Lesser

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

March 24, 1972

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

~~CONFIDENTIAL~~

MEMORANDUM FOR THE HONORABLE JOHN N. MITCHELL

FROM: JEB S. MAGRUDER

SUBJECT: Campaign Spending Law

The enclosed material on the new campaign spending law was released today. I thought that you would be interested in examining the documents.

Gordon Liddy has been given these materials and others which contain additional fine print. He will provide an analysis on Monday. One of Liddy's reports will be for internal use and the other for external use by people such as our state chairmen.

CONFIDENTIAL

MANUAL
of
REGULATIONS
and
ACCOUNTING INSTRUCTIONS

RELATING TO DISCLOSURE OF FEDERAL CAMPAIGN FUNDS FOR CANDI-
DATES FOR THE U.S. HOUSE OF REPRESENTATIVES AND POLITICAL
COMMITTEES SUPPORTING SUCH CANDIDATES



MARCH 1972

(This is an interim publication only. A revised edition containing the Comptroller General's Title I regulations, the Federal Communication Commission's guidelines, and the Interstate Commerce Commission's, the Federal Communication Commission's, and the Civil Aeronautic Board's credit regulations will be published when all such guidelines and regulations become available.)

CLERK, U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

MANUAL OF REGULATIONS AND ACCOUNTING INSTRUCTIONS RELATING TO DISCLOSURE OF FEDERAL CAMPAIGN FUNDS FOR CANDIDATES FOR THE U.S. HOUSE OF REPRESENTATIVES AND POLITICAL COM- MITTEES SUPPORTING SUCH CANDIDATES

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REGULATIONS AND INSTRUCTIONS

The following regulations and instructions are issued by the Clerk of the U.S. House of Representatives pursuant to Section 308 of the Federal Election Campaign Act.

A. PRESCRIBED FORMS

All statements and reports required to be filed to disclose receipts and expenditures made for the purpose of influencing nominations or elections to the U.S. House of Representatives shall be filed on forms prescribed by the Clerk. If statements or reports are required to be filed in connection with other Federal elections, they shall be filed with each appropriate supervisory officer on the forms prescribed by that supervisory officer. Such statements and reports and any changes or corrections thereto shall be typewritten or printed legibly in ink. Use only black, blue or blue-black ribbon or ink.

Registration and Statement of Organization (Committees Only)

Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$1,000, any portion of which will be expended for the purpose of influencing the nomination or election of any candidate or candidates for the U.S. House of Representatives, shall file a Statement of Organization with the Clerk within 10 days after the effective date of the Act, or within 10 days after the organization of the committee, or within 10 days after the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding \$1,000. No political committee which is included within the scope of the Act shall be exempted from filing a Statement of Organization with the Clerk by reason of being required to file also with another supervisory officer.

Reports of Receipts and Expenditures (Candidates, Committees and Other Persons)

Reports of Receipts and Expenditures required by the Act shall be filed with the Clerk by all candidates for the U.S. House of Representatives and by those political committees which are required to file a Statement of Organization with the Clerk and have not been granted a waiver of such reports.

Persons who make contributions or expenditures in support of a candidate for the U.S. House of Representatives *other than* by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 during a calendar year, shall report such contributions in the same manner as do committees, as provided by Section 305 of the Act. Persons complying with this regulation may use the prescribed reporting forms which have been issued for committees, substituting the person's name wherever the identification of a committee is required by the form. Reports filed in compliance with this regulation need not be cumulative. They shall be due on the same dates as are reports from candidates and committees except that persons complying with Section 305 of the Act need file reports only for those reporting periods within which such direct contributions or expenditures have been made.

B. DEFINITIONS

(See Section 301 of the Act for definitions of "election," "candidate," "Federal office," "political committee," "contribution," "expenditure," "supervisory officer," "person" and "State." See also Section 102 of the Act for additional definitions under Title I.)

"*Affiliated or Connected Organization*" includes but is not limited to (a) an organization which organized the reporting committee primarily for the purpose of influencing the nomination or election of candidates for Federal office; or (b) an organization whose primary purpose is to support the reporting committee; or (c) an organization whose membership is generally similar to that of the reporting committee.

"*Calendar Year*" for 1972, the first year during which the Act will be effective, means the period from April 7, 1972, to and including December 31, 1972. No report is required to show any expenditure or contribution which occurred before April 7, 1972, the effective date of the Act, except that any expenditure for communications media (as defined in Title I of the Federal Election Campaign Act) *used* on or after April 7, 1972, shall

be charged against the candidate's expenditure limitation applicable to the election for which it was used, regardless of when the use is paid for or contracted for. For further information concerning communications media spending, refer to the Comptroller General's Regulations on Title I of the Act.

"Clerk" means Clerk of the U.S. House of Representatives.

"File," "Filed," and "Filing" mean delivery to the Clerk of the U.S. House of Representatives, Washington, D.C., by midnight of the prescribed filing date, or deposit as certified air mail, in an established U.S. Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipt shall be retained as evidence of mailing. Documents deposited within 500 miles of Washington, D.C., need not be sent by air mail but shall be certified. *In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date.* All reports may be deposited in preprinted return envelopes supplied by the Clerk, bearing a declaration of contents and requesting priority handling. In the event a report is too large to be inserted in the preprinted envelope, it should be packaged separately but the whole face of the preprinted envelope may be used as a mailing label. (See separate requirement for filing under "Complaints of Violations.")

"Full Name" and "Name" mean identification of the person usually given for business purposes.

"Mailing Address" and "Address" mean building number, street, city, State, and ZIP code.

"Occupation and Principal Place of Business, if any" means, if self-employed, type of work or profession and city where self-employed; or, if employed, type of work or title, name of employer or employing organization and city of employment.

"Periodic Reports" mean those reports of receipts and expenditures which shall be filed on the tenth day of March, June and September and no later than the thirty-first day of January.

"Preelection Reports" mean those reports of receipts and expenditures which shall be filed on the fifteenth and fifth days next preceding an election.

C. SPECIAL INSTRUCTIONS REGARDING REGISTRATION STATEMENTS AND REPORTS

Personal Responsibility

Any person required to file a statement, report or other document with the Clerk under the Act shall be personally responsible for the timely filing of a complete and accurate statement, report, or document.

Committee Officers

Every political committee shall have a chairman and a treasurer, who shall be separate individuals. No contributions and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer or the designated agents.

Special Reports After Closing of Last Preelection Report

Any contribution of \$5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Clerk by telegraph or hand delivered letter giving the date and amount of contribution and the full name and mailing address (occupation and principal place of business, if any) of the contributor. *All such contributions shall also be declared in the next periodic or preelection report due under the Act.*

Waiver of Filings

If a periodic report is due on or within 10 days of the filing date for a preelection report, the filing of the preelection report shall fulfill both requirements and shall be so indicated on the report form.

Waiver of Reporting Requirements

Any political committee required to file reports with the Clerk may be relieved of the duty to comply with such requirements if all of the following conditions are satisfied—

- (1) the committee is a local, city, or county committee and does not conduct its activities throughout the State or in any other State; and

(2) the committee primarily supports persons seeking State or local office; and

(3) the committee does not make contributions or expenditures in support of a candidate for election to the U.S. House of Representatives in an aggregate amount exceeding \$1,000 in a calendar year.

Upon receipt of such Statement of Organization from a committee that meets all of the above three requirements, the Clerk will grant a waiver and so advise the reporting committee. Such waiver shall continue only for such time as all of the three above conditions are satisfied.

Identification Number for Committees

Upon receipt of a Statement of Organization, the Clerk shall assign an identification number to the registering committee, acknowledge receipt thereof and notify the political committee of the number assigned. This identification number shall be entered by the political committee on all subsequent statements or reports filed with the Clerk under the Act, as well as on all communications concerning such statements or reports.

Changes and Corrections

Any change in information previously submitted in a Statement of Organization, and any correction to a statement or report shall be reported to the Clerk within 10 days following the date of the event prompting such change or correction. The change or correction shall be reported by letter in the same manner as was the information previously submitted, shall identify the form and the paragraph or schedule containing the information to be changed or corrected, and shall be verified by oath or affirmation by the person required by law to submit such information at the time the change or correction is reported.

Notification of Suspension, Dissolution or Termination

Any committee which, after having filed one or more Statements of Organization with the Clerk, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$1,000, shall so notify the Clerk. Such notification shall include a termination report and a statement as to the disposition of residual funds if the committee is disbanding and shall be verified by oath or affirmation and filed in the same manner as the Statement of Organization. Candidates for the U.S. House of Representatives shall continue to file Reports of Receipts and Expenditures for as long as they continue to be a candidate and receive contributions or make expenditures following an election. When they cease to be a candidate or when they cease to receive contributions or make expenditures after an election they shall file a termination report that covers the period from the closing date of the last previous report filed through the date of termination.

D. ACCOUNTING INSTRUCTIONS

Dates for Closing Books

Reports of receipts and expenditures due on the 15th day next preceding an election shall be complete as of midnight of the 22nd day next preceding such election. Reports of receipts and expenditures due on the 5th day next preceding an election shall be complete as of midnight of the 12th day next preceding such election. Reports of receipts and expenditures due on the 10th day of the months of March, June and September and by the 31st day of January shall be complete as of midnight of the last day of the preceding month. All such reports shall be cumulative and shall cover the period from the closing date of the last previous report filed.

Cancelled Check as Receipt

A cancelled check showing payment of a bill, together with the bill or invoice stating the purpose of the expenditure, shall be deemed to be a receipted bill.

Cash on Hand

Cash includes but is not limited to money, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories.

Contributed Services

Services which a person is paid to perform or which are performed in lieu of regular duties for such person's employer, are not deemed to be voluntary services and should be reported and identified as a contribution in kind.

Disclosure of Receipt and Consumption of Contributions in Kind

Each contribution in kind shall be declared at fair market value and reported on the appropriate schedule of receipts, identified as to its nature and listed as "contribution in kind." The total amount of goods and services contributed in kind shall be deemed to have been consumed in the reporting period in which received. Each such contribution shall be declared as an expenditure at the same fair market value and reported on the appropriate expenditure schedule, identified as "contribution in kind." (For exceptions concerning broadcast time donated to a candidate under the provisions of the Communications Act of 1934, see the guidelines of the Federal Communications Commission.)

Uniform Identity of Contributors

In determining the aggregate of a person's contributions, the treasurer or candidate shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contributions from the same contributor and the aggregate exceeds \$100 within the calendar year, the name and address (occupation and principal place of business, if any) of that contributor shall then be listed on the prescribed reporting forms. In addition, any subsequent contribution(s) received from a contributor who has previously been reported within the calendar year shall be listed on the prescribed reporting forms using the same name as previously reported.

Allocation of Expenditures Among Candidates

A political committee making an expenditure for or on behalf of more than one candidate for Federal, State or local office shall allocate the expenditures among such candidates on a reasonable basis and report this allocation for each Federal candidate on the prescribed form to each appropriate supervisory officer. The treasurer shall retain for audit any documents supporting the allocation.

Allocations of expenditures for the use of communications media shall comply with the provisions of the Comptroller General's Regulations on Title I of the Act.

Manner of Reporting Debts and Contracts, Agreements, and Promises to Make Contributions or Expenditures

Every contribution and expenditure in the nature of a debt incurred, or a contract, agreement, or promise to make a contribution or expenditure entered into on or after April 7, 1972, which is in writing and exceeds the amount of \$100, shall be reported in separate schedules on the reporting forms prescribed by the Clerk until such debts, contracts, agreements, or promises are paid, liquidated, cancelled, forgiven or otherwise extinguished. Such debts, contracts, agreements and promises shall not be considered as part of the totals of receipts or expenditures until actual payment is made.

Records of Proceeds of Events

The treasurer of each political committee and each candidate shall keep full and complete records of proceeds from the *sale of tickets and mass collections* at each dinner, luncheon, rally, and other fundraising event, and such records shall include the date, amount of proceeds, location and nature of each event, and an itemized list of individuals who purchased tickets within the calendar year in an amount (aggregate) in excess of \$100. They shall also keep full and complete records of the proceeds from the *sale of items* such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials.

Retained Copies and Records

Every candidate, political committee, or other person filing a statement or report with the Clerk under the Act shall preserve a copy of each statement or report for a period of not less than *two years* from the date of filing.

Every person required to file any report or statement with the Clerk shall maintain records on the matters required to be reported including vouchers, cancelled checks, bills, invoices, worksheets, and receipts, which will provide in sufficient detail the necessary information and data from which the filed statements and reports may be verified, explained or clarified, and checked for accuracy and completeness, and he shall keep such records available for audit, inspection or examination by the Clerk, or his authorized representatives, for a period of not less than *two years* from the date of filing of the statements or reports or changes or corrections thereto.

Audits

Audits and field investigations may be made as directed by the Clerk. All candidates, political committees and other persons required to file reports under these Regulations shall keep adequate books and records. Such books and records shall be maintained on a current basis and shall be made available for inspection and audit by the Clerk or his authorized representatives.

E. PUBLIC INSPECTION AND COPYING OF REPORTS

Statements and reports filed with the Clerk under the Act will be made available in the Office of Records and Registration, Room 1036, Longworth House Office Building, Washington, D.C., for inspection and copying by any person, commencing as soon as practicable after receipt but, in any case, not later than the end of the second day following the day of receipt.

A list of general rules with respect to the inspection and copying of documents, and a schedule of charges for copies as authorized by the Act shall be posted in the Office of Records and Registration of the Clerk.

Any information copied or obtained from statements and reports shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. For purposes of this regulation, "any commercial purpose" means any sale, trade, or barter of any list of names or addresses taken from such statements and reports and any use of any such lists for any surveys or sales promotion activity. For purposes of this regulation, "soliciting contributions" means requesting gifts or donations of money, or anything of value for any cause or organization—political, social, charitable, religious, or otherwise. Violations of this subsection are subject to the criminal penalties provided in section 311 of the Act.

F. COMPLAINTS OF VIOLATIONS

Any person who believes a violation of Title III of the Act or of these Regulations has occurred which is within the jurisdiction of the Clerk, may file a written complaint in person or by registered or certified mail with the Clerk. When a complaint is received, it shall be stamped to show the date and time of receipt, and acknowledged by registered or certified mail.

There is no prescribed form for a complaint, but all complaints shall be typewritten or handwritten legibly in ink. The name and address of the person making the complaint shall be typewritten or hand printed on the complaint, and it shall be signed by such person and verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall name the alleged violator, describe in detail the alleged violation and shall be submitted together with any evidentiary material. Complaints will not be available for public inspection or copying.

No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify any violator, is unsigned or is not notarized.

TUESDAY, MARCH 21, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 55

PART II



**FEDERAL
COMMUNICATIONS
COMMISSION**

■

**Use of Broadcast and Cable-
cast Facilities by Candidates
for Public Office**

(Public Notice of March 16, 1972)

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-231]

USE OF BROADCAST AND CABLECAST FACILITIES

Candidates for Public Office

MARCH 16, 1972.

On August 7, 1970, the Commission issued a Public Notice entitled "Use of Broadcast Facilities by Candidates for Public Office" (24 F.C.C. 2d 832). That notice, the so-called "Political Broadcast Primer," consisted of a compilation of the Commission's interpretive rulings under section 315 of the Communications Act of 1934, as amended, and the Commission's rules implementing that section of the Act. It superseded all similar primers that had been previously issued. Since then, additional interpretive rulings have been issued from time to time and published in the FCC Reports. The rulings in the 1970 primer and thereafter apply both to political programs over broadcast stations and those originated by cable television systems (CATV systems).

On February 7, 1972, the Federal Election Campaign Act of 1971 was enacted (Public Law 92-225). It amends sections 312 and 315 of the Communications Act, effective April 7, 1972. This means that the amended sections are applicable to all political broadcasts or CATV cablecast program transmissions made on or after April 7, whether free or purchased, and whether contracted for prior to that date or not. The purpose of the present Public Notice is to furnish guidelines apprising broadcast station licensees, CATV operators, candidates, and other interested persons of their respective responsibilities and rights under the amended sections. These guidelines are being issued by the Commission after careful study of the legislative history underlying the amendments, and, like the 1970 primer, are issued in question-and-answer format.¹

¹ The Federal Election Campaign Act of 1971 consists of four titles. The amendments to the Communications Act are in title I. Other provisions in the new law include limitations on the amount that a candidate for Federal elective office may spend for the use of communications media on behalf of his candidacy, limitations on the expenditures that such candidates may make from their personal funds or the funds of their immediate families in connection with their campaigns, and requirements of detailed reporting by political committees and candidates of the sources and uses of campaign funds. Regulations issued by the Comptroller General under titles I and III, by the Secretary of the Senate under title III, and by the Clerk of the House of Representatives under title III, implement those provisions and also serve to supplement these guidelines. Title IV pertains to extension of credit to candidates for Federal elective office, without security, by the communications and transportation industries. That title does not become effective with regard to the communications industry until the FCC promulgates

The guidelines are being issued in response to a host of inquiries raised by members of the broadcast and cable industries, and others, as to the implications of the amended sections 312 and 315. Their preparation has involved the Commission in some extremely difficult decisions as to congressional intent concerning various aspects of the amendments. Their release is viewed as being in the public interest and consistent with the position taken in the 1970 primer where we said (24 F.C.C. 2d 832, 835):

In response to general inquiries the Commission limits itself to giving general guidelines to help an individual or station determine their rights and obligations under section 315.

Broadly speaking, the guidelines deal with four areas: (1) Definition of "legally qualified candidate," (2) rates to be charged for use of a station² by candidates, (3) certifications stations are required to obtain from candidates, and (4) allowing reasonable access to or permitting purchase of reasonable amounts of time by candidates for Federal elective office.

In some cases, the guidelines supplement present Commission rules governing political broadcasts and the interpretive rulings of the 1970 primer and thereafter. In other cases they are inconsistent with them. Effective April 7, 1972, any inconsistencies between the rules, the 1970 primer, and rulings since 1970 on the one hand, and these guidelines on the other, will be resolved in favor of the guidelines. Generally the guidelines highlight any inconsistencies by referring to the appropriate section of the rules, pertinent questions in the 1970 primer, or rulings made since the issuance of the primer. It is our intent to amend the rules in the future to accommodate the changes in sections 312 and 315. We do not presently envisage the issuance in the near future of a new primer to replace that of 1970. However, as experience accrues, we may find it necessary to modify the present guidelines, or to issue new ones as new problems arise. Some questions are intentionally not raised in the guidelines since they would best be handled on a case-by-case basis.

The recommended complaint procedures set forth in the 1970 primer (24 F.C.C. 2d 832, 834-5) were written largely for the purpose of dealing with requests for "equal opportunity" under the provisions of section 315. However, they are

rules on the subject, which must be done by May 7, 1972. The Commission will soon issue a Notice of Proposed Rule Making in regard to this.

² The amended sections 312 and 315 apply to both broadcast stations and cable television systems, except that, as the "reasonable access" guidelines indicate, cable systems that lack cablecasting facilities and are not required by the Commission's rules to have them need not provide such facilities pursuant to section 312(a)(7). Therefore, as was the case with the 1970 primer, the guidelines are applicable to both broadcast stations and cable television systems. References to "stations" and "licensees" include "cable television systems" and "cable television system operators."

valid for and should be followed in cases involving disputes about other matters such as whether a candidate was charged the proper rates, or whether he was allowed reasonable access to a station or whether he was permitted to purchase reasonable amounts of time. In such cases, of course, the detailed statement of the complainant called for in (iii) of the penultimate paragraph of the complaint procedures in the 1970 primer should be modified to fit the particular complaint.

To make use of the guidelines easier, they are preceded by title I of the Federal Election Campaign Act of 1971 which amends sections 312 and 315 of the Communications Act; sections 312 and 315 as they presently read and as amended; and the Commission's rules governing political broadcasts and cablecasts. Insofar as the Commission's sponsorship identification rules are pertinent to this subject the reader is referred to the 1970 primer (24 F.C.C. 2d 832, 837-8). The immediately following section contains title I of the Federal Election Campaign Act of 1971.

I.—THE NEW LAW

TITLE I—CAMPAIGN COMMUNICATIONS

SHORT TITLE

Sec. 101. This title may be cited as the "Campaign Communications Reform Act."

DEFINITIONS

Sec. 102. For purposes of this title:

(1) The term "communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States (and for purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(b) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

MEDIA RATE AND RELATED REQUIREMENTS

Sec. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public

office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) During the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) At any other time, the charges made for comparable use of such station by other users thereof."

(2) (A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) For willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

(3) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed."

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

LIMITATIONS OF EXPENDITURES FOR USE OF COMMUNICATIONS MEDIA

Sec. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) Spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting age population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) \$50,000, or
(B) Spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) For the use of communications media, or

(B) For the use of broadcast stations, on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3) (A) No person who is a candidate for presidential nomination may spend—

(i) For the use in a State of communications media, or

(ii) For the use in a State of broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively, had he been a candidate for election for the office of Senator from such State (or for the

office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) Beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) Ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—U.S. city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(3) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the FEDERAL REGISTER the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the FEDERAL REGISTER an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents commissions allowed the agent by the media, and

(B) Any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—
(1) Has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) Has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) Has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

"(4) Has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

Then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed 5 years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f) (1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station licensee' when used with respect to a community antenna television system, means the operator of such system.

"(C) The term 'Federal elective office' means the office of the President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) For purposes of subsections (c) and (d), the term 'legally qualified candidate'

means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

REGULATIONS

Sec. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

PENALTIES

Sec. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

For purposes of clarification, sections II and III of this public notice set forth the new language of sections 312(a) and 315 of the Communications Act as amended in accordance with Title I of the Federal Election Campaign Act of 1971. Section IV sets forth the language of the Commission's present rules governing political broadcasting.

II—SECTION 312(a) OF THE COMMUNICATIONS ACT (AS AMENDED)

Effective April 7, 1972, section 312(a) of the Communications Act of 1934 will read as follows (previously existing law which will remain unchanged is shown in roman; previously existing matter deleted by the Campaign Communications Reform Act is enclosed in brackets; new matter added by the Campaign Communications Reform Act is, printed in italic):

Sec. 312. (a) The Commission may revoke any station license or construction permit—

(1) For false statements knowingly made either in the application or in any statement of fact which may be required pursuant to section 308;

(2) Because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application;

(3) For willful or repeated failure to operate substantially as set forth in the license;

(4) For willful or repeated violation of, or willful or repeated failure to observe any provision of this Act or any rule or regulation of the Commission authorized by this Act or by a treaty ratified by the United States;

(5) For violation of or failure to observe any final cease and desist order issued by the Commission under this section; [or]

(6) For violation of section 1304, 1343, or 1464 of title 18 of the United States Code [; or]

(7) For willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.

III—SECTION 315 OF THE COMMUNICATIONS ACT (AS AMENDED)

Effective April 7, 1972, section 315 of the Communications Act of 1934 will read as follows (previously existing law which will remain unchanged is shown in roman; previously existing law deleted by the Campaign Communications Reform Act is enclosed in brackets; new

matter added by Act is that printed in italic):

Sec. 315. (a) If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*,³ That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) Bona fide newscast,

(2) Bona fide news interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (included but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

[(b) The charges made for the use of any broadcasting station for any of the purposes set forth in this section shall not exceed the charges made for comparable use of such station for other purposes.]

(b) The charges made for the use of any broadcast station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

(1) During the 45 days preceding the date of a primary or primary runoff election and during the 60 days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

(2) At any other time, the charges made for comparable use of such station by other users thereof.

(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

(d) If a State by law and expressly—

(1) Has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

(2) Has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

³ This word, although italicized, is not new matter. It appears in italic in the present law and remains in italic in the new law.

⁴ The word *hereby* is not included in the United States Code (47 U.S.C. 315) but appears in the Statutes at Large (66 Stat. 717).

(3) Has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

(4) Has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto,

then no station licensee may take any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

(f) (1) For the purposes of this section:

(A) The term "broadcasting station" includes a community antenna television system.

(B) The terms "licensee" and "station licensee" when used with respect to a community antenna television system, means the operator of such system.

(C) The term "Federal elective office" means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

(2) For purposes of subsections (c) and (d), the term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

[(c) (g) The Commission shall prescribe appropriate rules and regulations to carry out the provisions of this section.]

IV—THE COMMISSION'S RULES AND REGULATIONS WITH RESPECT TO POLITICAL BROADCASTS AND CABLECASTS

The Commission's present rules and regulations with respect to political broadcasts coming within section 315 of the Communications Act are set forth in §§ 73.120 (AM), 73.290 (FM), 73.590 (noncommercial educational FM), and 73.657 (TV), respectively. These provisions are identical (except for elimination of any discussion of charges in § 73.590 relating to noncommercial educational FM stations) and read as follows:

Broadcasts by candidates for public office—

(a) *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot or

(2) Is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (i) has been duly nominated by a political

party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office, as the case may be.

(b) *General requirements.* No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all such other candidates for that office to use such facilities: *Provided*, That such licensee shall have no power of censorship over the material broadcast by any such candidate.

(c) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform and shall not be rebated by any means direct or indirect. A candidate shall, in each case, be charged no more than the rate the station would charge if the candidate were a commercial advertiser whose advertising was directed to promoting its business within the same area as that encompassed by the particular office for which such person is a candidate. All discount privileges otherwise offered by a station to commercial advertisers shall be available upon equal terms to all candidates for public office.

(2) In making time available to candidates for public office no licensee shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered pursuant to this part, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

(d) *Records; inspection.* Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted. Such records shall be retained for a period of 2 years.

Note: See § 1.526 of this chapter.

(e) *Time of request.* A request for equal opportunities must be submitted to the licensee within 1 week of the day on which the first prior use, giving rise to the right of equal opportunities, occurred: *Provided, however*, That where the person was not a candidate at the time of such first prior use, he shall submit his request within 1 week of the first subsequent use after he has become a legally qualified candidate for the office in question.

(f) *Burden of proof.* A candidate requesting such equal opportunities of the licensee, or complaining of noncompliance to the Commission shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

The Commission's present rules and regulations with respect to political cablecasts coming within section 315 of the Communications Act are set forth in §§ 76.5(y) and 76.205, which read as follows:

Section 76.5 *Definitions.* * * * (y) *Legally qualified candidate.* Any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, State, or National, and who meets the qualifications prescribed by the

applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who:

(1) Has qualified for a place on the ballot, or

(2) Is eligible under the applicable law to be voted for by sticker, by writing his name on the ballot, or other method, and (i) has been duly nominated by a political party which is commonly known and regarded as such, or (ii) makes a substantial showing that he is a bona fide candidate for nomination or office.

Section 76.205 *Origination cablecasts by candidates for public office.* (a) *General requirements.* If a cable television system shall permit any legally qualified candidate for public office to use its origination channel (s) and facilities therefor, it shall afford equal opportunities to all other such candidates for that office: *Provided, however*, That such system shall have no power of censorship over the material cablecast by any such candidate: *And provided, further*, That an appearance by a legally qualified candidate on any:

(1) Bona fide newscast,

(2) Bona fide news interview,

(3) Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or

(4) On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of the facilities of the system within the meaning of this paragraph.

Note: The fairness doctrine is applicable to these exempt categories. See § 76.209.

(b) *Rates and practices.* (1) The rates, if any, charged all such candidates for the same office shall be uniform, shall not be rebated by any means direct or indirect, and shall not exceed the charges made for comparable origination use of such facilities for other purposes.

(2) In making facilities available to candidates for public office no cable television system shall make any discrimination between candidates in charges, practices, regulations, facilities, or services for or in connection with the service rendered, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any cable television system make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to cablecast to the exclusion of other legally qualified candidates for the same public office.

(c) *Records; inspections.* Every cable television system shall keep and permit public inspection of a complete record of all requests for origination cablecasting time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the system of such requests, the charges made, if any, and the length and time of cablecast, if the request is granted. Such records shall be retained for a period of two years.

(d) *Time of request.* A request for equal opportunities for use of the origination channel(s) must be submitted to the cable television system within one (1) week of the day on which the first prior use, giving rise to the right of equal opportunities, occurred: *Provided, however*, That where a person was not a candidate at the time of such first prior use, he shall submit his request within one (1) week of the first subsequent use after he has become a legally qualified candidate for the office in question.

(e) *Burden of proof.* A candidate requesting such equal opportunities of the cable

television system, or complaining of noncompliance to the Commission, shall have the burden of proving that he and his opponent are legally qualified candidates for the same public office.

The Commission guidelines for interpreting the Federal Election Campaign Act of 1971 appear in the following sections V through VIII.⁵

V—SECTION 315—LEGALLY QUALIFIED CANDIDATES

V. 1. Q. Who is a "legally qualified candidate" for purposes of section 315(a)?

A. The definition of paragraph (a) [y] of the Commission rules applies for the purposes of administering section 315(a). (See IV above and IV in the 1970 primer.) However, section 104(a)(3)(B) of the Campaign Communications Reform Act requires some explanatory remarks concerning candidates for presidential nomination. Broadly speaking, clause (i) of that section provides that a person is a candidate for presidential nomination if, on or after a specified date, he makes (or any other person makes on his behalf) an expenditure for the use of a communications medium on behalf of his candidacy for nomination. (This provision is subject to interpretation by regulations to be issued by the Comptroller General of the United States.) The section also states that a person who is a candidate for presidential nomination is, for purposes of section 315 of the Communications Act, considered to be a legally qualified candidate for public office.

Paragraph (a) [y] of the Commission rules provides that a person is not a legally qualified candidate within the meaning of the statute unless he has publicly announced his intention to be a candidate. (See Q. and A. IV.18. of the 1970 primer.) New section 104(a)(3)(B) means that a person who had made an expenditure as described in that section is a legally qualified candidate for presidential nomination, even

⁵ For convenience, in the remainder of this public notice, references to any paragraph of the political broadcast or cablecast rules will be by paragraph only. For example, "paragraph (a) [y]" of the Commission rules will mean "§§ 73.120(a), 73.290(a), 73.590(a), and 73.657(a) of the political broadcast rules and the corresponding § 76.5(y) of the political cablecast rules."

Attention is invited to the fact that some paragraphs of the present political broadcast and cablecast rules are inconsistent with the guidelines herein. For example, paragraphs (b) and (c)(1) of the political broadcast rules are inconsistent with the guidelines which implement the new sections 312(a)(7) and 315(b)(1) of the Communications Act (which respectively require broadcast stations to give reasonable access to candidates for Federal elective office, and to charge all candidates not more than "lowest unit charges" during specified periods before elections.) As stated in the fifth paragraph of this public notice, such inconsistencies are to be resolved in favor of the guidelines. In the future, the Commission will amend the present political broadcast and cablecast rules to conform with the guidelines.

though no public announcement of candidacy has been made, and hence is entitled to equal opportunity under section 315(a) of the Communications Act. However, section 104(c) of the Campaign Communications Reform Act amends section 315(c) of the Communications Act to provide that no communications medium may make any charge for the use of its facilities by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) submits a certification to the licensee that the payment of the charge will not exceed the spending limitation set forth in the new law. In cases where a person has made the expenditure mentioned in section 104(a)(3)(B) but has not publicly announced his candidacy, we shall construe the submission of the aforementioned certificate and the expenditure as constituting a public announcement as of the date of the broadcast or publication in other communications media of the matter for which the expenditure is made.

Moreover, we interpret the intent of Congress to be that the mere making of minimal expenditures under the provisions of section 104(a)(3)(B) does not entitle a person to equal opportunity under section 315(a). Thus, for example, a person who has taken out a \$5 advertisement in a newspaper, and submitted a certification in connection therewith, would not, in the absence of other facts to demonstrate the bona fides of his candidacy, be entitled to equal opportunity under section 315(a).

2. Q. To whom do the "lowest unit charge" provisions of section 315(b)(1) apply?

A. With one exception, section 315(b)(1) applies to all persons who meet the requirements of a "legally qualified candidate" for purposes of section 315(a) as discussed in Q. and A. V. 1. above. The exception is that it does not apply to candidates for nomination by a convention or a caucus of a political party held to nominate a candidate since the special rate provision of section 315(b)(1) by its express terms applies only during the 45 days preceding the date of a primary or a primary runoff election and during the 60 days preceding the date of a general or special election in which a person is a candidate. Thus, for example, a person campaigning in a State in an effort to have the State convention of a political party select delegates to a national nominating convention who are favorable to him would not be entitled to the lowest unit charge. Similarly, a person campaigning to have a State convention nominate him for State office, or for U.S. Senator or Representative, would not be entitled to the lowest unit charge. In a situation where a person is campaigning in a primary election in which delegates will be selected to go to a State convention which in turn will select delegates to a national convention, the lowest unit charge provision would apply to that person during the 45 days preceding the primary.

3. Q. To whom do the "comparable use" provisions of section 315(b)(2) apply?

A. Unlike section 315(b)(1), section 315(b)(2) has no restrictive provisions, and applies to all persons who are legally qualified candidates for the purposes of section 315(a) as discussed in Q. and A. V. 1. above; whether running in an election or seeking nomination by a party convention.

4. Q. To what "legally qualified candidates" do the certification provisions of section 315(c) apply?

A. They apply to "legally qualified candidates" as the term is defined in section 315(f)(2), who are seeking to hold "Federal elective office" as the term is defined in section 102(3) of the Campaign Communications Reform Act. This definition of "legally qualified candidate" is intended to be used only with regard to the certification required by the provisions of section 315(c) and the spending limitation provisions of section 104(a)(1) and (2) of the Campaign Communications Reform Act referred to in section 315(c). The Commission is of the view that the definition of section 315(f)(2)(B) does not include situations where a person is seeking nomination for U.S. Senator or Representative by a convention or caucus held to nominate such candidates and that the provisions of section 315(c) do not apply to such persons. The Commission believes that the provisions of section 315(c) do apply to persons qualifying as candidates for presidential nomination under the spending provisions of section 104(a)(3)(A)(i) whether they are running in a primary election or are seeking to influence the action of a State convention of a political party that will select delegates to its national nominating convention.

5. Q. To what "legally qualified candidates" do the provisions of section 315(d) apply?

A. They apply to all "legally qualified candidates" for any office of a State or political subdivision thereof who meet the definition of "legally qualified candidate" set forth in section 315(f)(2) if the State has taken the steps mentioned in section 315(d). The definition of section 315(f)(2)(B) does not apply to situations where a person is seeking nomination for State office by a caucus or convention, and the provisions of section 315(d) do not apply to such candidates.

VI—SECTION 315—LOWEST UNIT CHARGE

VI. 1. Q. What is the meaning of "lowest unit charge of the station for the same class and amount of time for the same period" in section 315(b)(1)?

A. The term "class" refers to rate categories such as fixed-position spots, preemptible spots, run-of-schedule and special-rate packages. The term "amount of time" refers to the unit of time purchased, such as 30 seconds, 60 seconds, 5 minutes or 1 hour. The term "same period" refers to the period of the broadcast day such as prime time, drive time, class A, class B or other classifications established by the station.

Candidates are entitled to discounts, frequency and otherwise, offered to the

most favored commercial advertiser for the same class and amount of time for the same period, without regard to the frequency of use by the candidate. This includes discount rates not published in a rate card but provided to commercial advertisers. Some examples follow:

(a) A licensee sells one fixed-position, 1-minute spot in prime time to commercial advertisers for \$15. It sells 500 such spots for \$5,000. It must sell one such spot to a candidate for not more than \$10.

(b) A licensee sells one immediately preemptible 30-second spot in drive time to commercial advertisers for \$10. It sells 100 such spots for \$750. It must sell one such spot to a candidate for not more than \$7.50.

(c) A licensee's best rate per spot for run-of-schedule, 1-minute spots is 1,000 for \$1,000. Its rate for one such run-of-schedule spot is \$4. It must sell one such spot to a candidate for not more than \$1.

2. Q. May the lowest unit charge vary with the day of the week on which a candidate uses a station?

A. Yes. For example, a television station might charge commercial advertisers more for 1-minute, fixed-position spots between 7:00-7:30 p.m. on Sunday than it does for such spots on Monday through Friday; and the charges on Monday through Friday might exceed the charges for such spots on Saturday. In computing the lowest unit charge which must not be exceeded in selling time to candidates, stations, in addition to taking into account the class and amount of time for the same period of the day, may take into account the day of the week, if rates of the station vary with the day of the week. In the example given above, the station would not be required to sell time to a candidate for use on Sunday between 7:00-7:30 p.m. at rates not exceeding the lowest unit charge for Saturday night. If a station does not vary its charges to commercial advertisers with the day of the week, it may not do so with candidates for public office.

3. Q. A general election is to be held on November 2. As required by section 315(b), the lowest unit charge must be made to candidates during the preceding 60 days, commencing September 3. Pursuant to normal practices, a station on September 20 changes from its summer rates to its higher fall rates. Is the lowest unit charge during the entire 60-day period preceding the election based on summer rates?

A. No. From September 3 to September 20, the lowest unit charge is based on the summer rates. On and after September 20, the fall rates are used as the basis for computation of the lowest unit charge. Compare Q. and A. VI. 8. through 12. below.*

4. Q. For a particular community, ARB and Nielsen television market reports are issued six times a year. Upon receipt of these reports it is the normal

* At the present time, of course, such changes in rates are subject to any statements of policy, guidelines, or regulations issued by the Price Commission under the Economic Stabilization Program.

business practice of a television station in the community to reexamine its rates and revise some of them. During the 60-day period preceding a general election, such a rate revision occurs which results in increased rates for adjacencies to program A shown in prime time, and a decrease in rates for adjacencies to program B in prime time. What is the basis for calculation of the lowest unit charge for adjacencies to the two programs during the 60-day period?

A. Candidates using adjacencies to either program A or program B prior to the rate change are entitled to be charged not more than the lowest unit rate for such adjacencies prior to the rate change, and those using adjacencies to either program after the rate change are entitled to be charged not more than the lowest unit charge after the rate change. Thus, the lowest unit rate for candidates for adjacencies to program A prior to the rate change is lower than the lowest unit rate after the rate change. As to adjacencies to program B, the lowest unit rate prior to the rate change is higher than the lowest unit rate after the rate change. Compare Q. and A. VI. 8. through 12. below.*

5. Q. Do the lowest unit charge provisions apply to purchase of time on the networks?

A. Yes. The Commission is of the view that although the Campaign Communications Reform Act does not specifically refer to networks, the provisions are intended to apply to purchase of network time. A network is in a real sense selling time on behalf of station licensees and the Commission interprets new section 315(b)(1) as applying to the combination of licensees in the network as well as to the individual licensees. Thus, charges to legally qualified candidates purchasing network time may not exceed the lowest unit charge for the same class and amount of time for the same period of the broadcast day on a network. Candidates are entitled to be charged not more than the lowest unit rate regardless of the number of times they use the network. For example, if a television network gives a discount for advertisers who contract in advance on a noncancellable basis for at least one 1-minute commercial announcement for broadcast in one or more specified programs in prime time at least once a fortnight on a regular schedule over a 52-week period, a candidate would be entitled to that discount even though purchasing only one such spot announcement. At intervals, a television network may change the spot announcement charges for a particular program depending on the viewer ratings for the program. If commercial advertiser A has contracted in advance for a spot on a program to be broadcast on a certain date, and if because of low viewer ratings the price being offered to other advertisers for spots on the program on that date is lower than the price contracted for by A, advertiser A must none-

theless pay the higher price for which he contracted. Such will not be the case for a candidate under the provisions of section 315(b)(1). If the price of a spot on the date of use is lower than the price for which he contracted in advance, he will be entitled to the lower price and is to be given a rebate (if the spot has been previously paid for) or an adjustment (if the spot has not yet been paid for). Moreover, if the lower price (on the date of use) just mentioned is not as low as the lowest unit charge made to advertisers who enter into the 52-week type of contract mentioned above, the candidate is entitled to be charged the lowest unit rate based on the 52-week contract even though he purchases only one spot.

The upshot of the foregoing is that a candidate falling under the provisions of section 315(b)(1) will be entitled to the lowest unit charge on the date of use of the network regardless of the date on which he places or pays for his order for time. We emphasize that it is the date of network use that will govern the charge made to any candidate. Thus if \$40,000 is the lowest unit charge for a 1-minute spot announcement on a particular program in prime time on October 1, and \$50,000 is the lowest unit charge for a 1-minute spot on that program in prime time on October 22, candidate A who purchases a 1-minute spot broadcast on October 1 pays \$40,000, and candidate B who purchases a 1-minute spot broadcast on October 22 pays \$50,000. This difference in price charged the two candidates is not inconsistent with paragraph (c)(b) of the Commission rules (which provides that there shall be no discrimination between candidates as to charges) for both candidates are receiving the lowest unit rate at the time of use, that rate being based on audience exposure and giving candidate B greater exposure than A. (See Q. and A. VI. 3. and 4. above. The difference in rates therein are also correlated with audience size. See also footnote 6 above.)

Attention is invited to the fact that the foregoing discussion of network charges to candidates is applicable to uses of a network not involving "equal opportunity" under section 315(a). For "equal opportunity" situations, the principle set forth in Q. and A. VI. 8., below, applies. Thus, if candidate A has a 1-minute spot on a network on October 1 for \$40,000, candidate B exercising "equal opportunity" rights on October 22 pays \$40,000 rather than \$50,000.

6. Q. During the 60-day period preceding a general election there are no changes in rates of the kind mentioned in Q. and A. VI. 3. and 4. above. A licensee observes that on a particular date he has some unsold time available during prime time hours. Preferring to realize something rather than nothing for that time, he approaches and sells to an advertiser three 1-minute, fixed-position spots in prime time at an extremely low rate. The unit charge for the three spots is lower than the lowest unit charge for such spots based on "normal" rates prevailing during the 60-day period. What is the effect of this in calculating lowest unit charge for the 60-day period?

A. The extremely low rate should be viewed as the lowest unit charge, because it is the lowest charge available to commercial advertisers and it was possible for it to have been afforded on any day of the 60-day period. In view of this consideration and the possibility of abuse (by favoring commercial advertisers or one candidate over another), the giving of such an extremely low rate on any date will not only set a new standard for the calculation of lowest unit charge on that date and the remainder of the period, but all candidates who have used the station prior to that date will be entitled to refunds to bring the charges to them in line with that extremely low rate. To afford some certainty in this respect, the appropriate period to which this holding applies is the 45- or 60-day period; affording extremely low rates on an ad hoc basis outside these periods thus is not relevant to the issue of the lowest unit charge.

7. Q. Candidate A purchases 50 fixed-position, 1-minute spots in prime time to be aired prior to the 45- or 60-day period preceding an election and pays for the time on the basis of "comparable use" as provided in section 315(b)(2). Pursuant to section 315(a), candidate B is entitled to "equal opportunity" to respond to candidate A, and candidate B purchases 50 such spots for his response, which spots are to be aired during the 45- or 60-day period. On what basis is candidate B charged?

A. Candidate B may be charged not more than the lowest unit charge prevailing during the 45- or 60-day period. Had candidate B responded to candidate A prior to the 45- or 60-day period, he would have been charged on a "comparable use" basis, just like candidate A. However, since the statute provides for a lowest unit charge basis for uses during the 45- or 60-day period, candidate B is charged on that basis. Paragraph (c)(b) of the Commission rules on political broadcasts provides that a station shall not discriminate between candidates in charges, but this does not amount to discrimination since the difference in charges is set by statute.

8. Q. During the 60-day period preceding a general election, the rates of a station, pursuant to normal business practices, change from summer to higher fall rates. The lowest unit charges are therefore less before the rate change than afterwards. (See Q. and A. VI. 3. above.) Candidate A purchases 50 fixed-position, 1-minute spots in prime time to be aired before the rate change. Pursuant to section 315(a), candidate B is entitled to equal opportunity to respond to candidate A, and candidate B purchases 50 such spots for his response, which spots are to be aired after the seasonal rate change. Is candidate B charged a higher rate?

A. Although in situations not involving "equal opportunity" the lowest unit charge for candidates using the station prior to the seasonal rate change is based on summer rates, and for those using the station after the change is based on fall rates, the situation is different in cases

* At the present time, of course, such changes in rates are subject to any statements of policy, guidelines, or regulations issued by the Price Commission under the Economic Stabilization Program.

involving "equal opportunity." The candidate in such a situation is entitled to be charged on the same basis as the candidate to whom he is responding. Therefore, in this situation, the rate charged candidate B must be the same as that charged candidate A (which rate cannot exceed the lowest unit charge based on summer rates). (Compare Q. and A. VIII. 21. in the 1970 primer.)

9. Q. During the 60-day period preceding a general election, the rates of a station, pursuant to normal business practices, change from summer to higher fall rates. The lowest unit charges are therefore less before the rate change than afterwards. (See Q. and A. VI. 3. above.) Candidate A purchases 50 fixed-position, 1-minute spots in prime time to be aired before the rate change. Pursuant to section 315(a), candidate B requests "equal opportunity" to respond to candidate A in fixed-position, 1-minute spots in prime time to be aired after the seasonal rate change. Candidate B requests 100 such spots. At what rate is candidate B charged?

A. Candidate B is entitled to 50 such spots at the rate charged candidate A to satisfy the "equal opportunity" requirement. For the remaining 50 spots he may be charged not more than the lowest unit rate based on the higher fall rates. It should be noted that the sale to candidate B of 50 spots at the low summer rates to satisfy the "equal opportunity" requirement does not affect the rates to be charged him or other candidates using the station after the change to the higher fall rates on other than an "equal opportunity" basis.

10. Q. A commercial advertiser has over a period of years had a contract for commercial spot announcements with a station and that contract has been renewed from time to time with unchanged rates set at the time the contract was entered into although the rates of the station to other advertisers have increased. Thus, the lowest unit charge of the station for the same class and amount of time for the same period computed by using current rates to other advertisers is higher than the lowest unit charge based on the rates being given to the advertiser with the "rate protection agreement." In calculating the lowest unit charge for a candidate who qualifies for such charges under section 315(b)(1), is it correct to use as a basis for the calculation the current rates generally held out to advertisers in the community?

A. No. The candidate is entitled to the lowest unit charge for the same class and amount of time for the same period. Since the lowest unit charge is that being given to the advertiser with the contract of long standing, that charge must be made to the candidate. Compare Q. and A. VIII. 13. in the 1970 primer.

11. Q. A candidate, prior to April 7, 1972, has contracted for use of a station after that date. The date(s) of use contracted for occurs during the 45- or 60-day period before an election. The contract price was at rates not exceeding those made to commercial advertisers for comparable use of the station, as

provided in section 315(b) of the Communications Act prior to its amendment by the Campaign Communications Reform Act. Is the candidate entitled to a refund if payment to the station has been made prior to the time of use, or to an adjustment in the charges if payment has not been made at or before the time of use, so that he will pay on a lowest unit charge basis?

A. Yes. The lowest unit charge applies to all uses falling under the provisions of section 315(b)(1) which occur on or after April 7, 1972, regardless of the date of contract.

12. Q. On or after April 7, 1972, a candidate contracts with a station for use of its facilities on a specified date or dates in the future, which dates occur within a 45- or 60-day period before an election. The price for the use of the facilities is stated in the contract. At the time of use of the facilities, the rates of the station have changed because, for example, of normal seasonal rate changes, or because of the issuance of ARB or Nielsen TV market reports which resulted in rate changes by the station. At what rate is the candidate charged for use of the station?

A. If the change in rates has resulted in a lowest unit charge which is greater than that provided in the contract, the candidate is entitled to the charge specified in the contract. If the rate change of the station has resulted in a lowest unit charge which is less than that provided in the contract, the candidate is entitled to be charged at the lesser rate.

13. Q. On or after April 7, 1972, a candidate contracts with a station for use of its facilities during a period 60 days prior to a general election. The contract specifies no set rate to be charged, but instead, provides that the rate to be charged will not exceed the lowest unit charge being made on the date(s) contracted for. May such contracts be entered into by stations?

A. Yes. There is nothing in the new law concerning the type of contract a station may enter into with a candidate. (However, a contract providing that regardless of the lowest unit charge being made on the date of use by the candidate the candidate must pay a higher rate specified in the contract would be contrary to the public policy established by the new law.) Without additional language in such a contract, however, it might be impossible to satisfy the certification requirement of Q. and A. VII.1.(1), below.

14. Q. Does the "lowest unit charge" provision of section 315(b)(1) apply to political broadcasts by groups, organizations or persons other than candidates?

A. No. The provision applies only to broadcasts by candidates for public office. The general guideline to be followed is that the "uses" of broadcast stations for which the "lowest unit charge" provision applies are the "uses" which would entitle an opposing candidate to "equal opportunities" under the provisions of section 315(a), i.e., uses in which the candidate personally participates through use of his voice or image, live or taped, or through film or picture. (See "III. B. What constitutes a 'use' of broadcast facilities en-

titling opposing candidates to 'equal opportunities'?" in the 1970 primer.) Section 104(a)(6) of the Campaign Communications Reform Act provides that amounts spent for the use of communications media by or on behalf of a candidate are attributable to the candidate's spending limit. This means that some broadcast time bought to further the candidacy of a person may be on his behalf and will count against his spending limit, but will not be entitled to the "lowest unit charge" if it does not involve a "use" by the candidate. (See Q. and A. VIII.2. of the 1970 primer.)

15. Q. Does the "lowest unit charge" provision of section 315(b)(1) apply to both time charges and other charges by a station in connection with political broadcasts?

A. No. The provision applies only to charges for purchase of time. It does not cover additional charges made by a station for other services, which may be termed production oriented, such as charges for use of a television studio, audio- or video-taping, or line charges and remote technical crew charges when the broadcast is to be picked up outside the station. Moreover, the provision does not apply to additional charges that might be incurred if a candidate sought to purchase full sponsorship of an existing program for which there is an established program charge in addition to a time charge.

16. Q. Customarily, stations allow advertising agency commissions to be taken out of the charges made for time. If a candidate purchases time from a station through an agency, may the station include the agency commission in the lowest unit charge it makes to the candidate?

A. Yes. However, if a candidate purchases time directly from a station without the use of an agency, the lowest unit charge must exclude the amount usually paid for agency commission. For example, if a 1-minute spot announcement costs \$100 and an agency is allowed \$15, a candidate placing a spot through an agency must pay \$100. But if a candidate places the spot directly, without use of an agency, he pays \$85. In this connection, however, attention is invited to Q. and A. VI.13. above which states that production costs are not included in the lowest unit charge. Hence a candidate purchasing time directly, without the use of an agency, must furnish his advertisement or other program matter to the station, unless it is the policy of the station to prepare the material for commercial advertisers in such situations. See Q. and A. VIII. 12. and 20. in the 1970 primer.

17. Q. May a station with both "national" and "local" rates charge a candidate falling within the purview of section 315(b)(1) its lowest rate charge based on its "national" rates?

A. No. The calculation of the lowest unit charge must be based on its "local" rates (if they are lower than its "national" rates) regardless of whether a candidate is running for municipal, county, State, or national office. ("National" and "local" are not viewed as different "classes" of service under the

provisions of section 315(b)(1).) For example, if a candidate were running for the office of United States Senator and fell within the purview of section 315(b)(1), and if a station on which he purchased time covered all or most of the State in which he was running, calculation of the lowest unit charge would have to be based on the station's "local" rather than its "national" rates. This guideline overrules Q. and A. VIII. 4. and 14. in the 1970 primer insofar as candidates falling under the provisions of section 315(b)(1) are concerned. They are not overruled, however, as to candidates falling under the provisions of section 315(b)(2). See also Q. and A. VIII.3. in the 1970 primer.

18. Q. In computing the lowest unit charge under the provisions of section 315(b)(1), is the calculation based on the rate card of the station or on the rates actually charged by the station if they differ from those on the rate card?

A. The calculation is based on whatever will give the lowest unit rate for the same class and amount of time during the same period of the day. If use of the actual charges gives the lowest unit rate, actual charges are used in determining rates for candidates. If use of the rate card gives the lowest unit rate, the rate card is the basis used. Example of actual charges forming the basis for lowest unit charge: A licensee is "flexible" and uses his rate card as a point of departure for negotiations which always results in rates less than those shown on the card. Example of rate card forming the basis for lowest unit charge: A rate card shows a "package" or "plan" for fixed-position, one-minute spots in drive time which yields the lowest unit charge on the card for such spots (e.g., 10,000 such spots over a period of a year for a very low rate). The "package" or "plan" on the rate card also yields the lowest unit charge as compared with actual sales that may have been made for such spots at rates less than card rates. However, the "package" or "plan" has not been purchased by anyone for use during the 45- or 60-day period. In such a case, the rate card is used as the basis for calculation of the lowest unit rate for such spots because although it was never taken advantage of by a purchaser of time, the very low unit rate of the "package" or "plan" was being held out to the public.

19. Q. A person is a legally qualified candidate for nomination for the presidency, as discussed in Q. and A. V.1. above. He is running in the primary election of a State in the eastern part of the United States. During the period of 45 days before that primary election he wishes to purchase time on stations in that State and on stations in each of three western States. The situation with regard to each of the western States is as follows: (1) in State A, a presidential primary election has already been held in the State; (2) in State B, the delegates to the national nominating convention have already been selected by a State convention; (3) in State C, a presidential primary election is yet to be

held in the State, the person is running in that primary, but that primary will occur more than 45 days after the proposed use of the stations in State C. On what stations is the candidate entitled to the lowest unit charge?

A. He is entitled to the lowest unit charge only on the stations in the eastern State where he is running in the primary election. In the western States he would be entitled to rates on a "comparable" basis under the provisions of section 315(b)(2). The Commission is of the view that the intent of the lowest unit rate provision is that it is to apply only in situations where an election is being held in the service area of the station on which time is being purchased. If the person in this case subsequently receives the nomination of his party at its national convention, then under the provisions of section 315(b)(1) he would be entitled to the lowest unit charge in stations in all of the 50 States during the 60-day period preceding the presidential election.

20. Q. By statute a State provides that broadcast stations may carry legal notices at rates fixed by the statute. This rate is quite low so that for a particular broadcast station in that State the lowest unit charge for such notices for the same class and amount of time for the same period is less than the lowest unit charge based on "normal" rates. Must the lowest unit charge for candidates be calculated on the basis of the statutory rate for legal notices?

A. No. Since the rates for legal notices are set by statute rather than by the station, they are not used for calculation of the lowest unit charge for candidates.

21. Q. Are trade outs or barter transactions involving commercial advertisers to be used in computing the lowest unit charge?

A. No. Although stations engage in trade outs and barter in dealing with advertisers, only transactions involving sale of time for monetary consideration are to be used as the basis for calculating the lowest unit charge which must not be exceeded when a candidate wishes to purchase time. (This does not affect the Commission's policy with respect to reporting trade out and barter transactions on the Annual Financial Report (FCC Form 324). See Public Notice, FCC 72-139, February 17, 1972.)

22. Q. Are stations permitted to charge less than the lowest unit charge during the 45- or 60-day period before an election?

A. Yes. To make the preceding questions and answers concerning the matter of "lowest unit charge" less cumbersome, they have sometimes been couched in terms that might have conveyed the impression that stations must charge the lowest unit charge to candidates. It is stressed here that section 315(b)(1) provides that charges made by stations shall not exceed the lowest unit charge for the same class and amount of time for the same period. Stations are at liberty to charge less than the lowest unit charge. However, if they do, they must give the same low unit rate to other candidates for all offices purchasing the same class,

amount, and period of time on the station.

23. Q. Where a cable television operator does not have an advertising rate schedule, how should he determine the proper rate for a political message, in terms of "lowest unit charge" and "comparable use" rate concepts?

A. Since it is likely that most cable operators have had little experience in offering cablecasts on their systems, and even less in charging for use of cablecasting facilities, it will be necessary for operators without existing rate schedules to arrive at some reasonable rate structure. Section 73.251(a)(11)(iii) of the rules requires cable systems to establish appropriate rate schedules for use of their leased access channels; we expect that such rates will not have the effect of discouraging political use of such channels.

24. Q. Do the "lowest unit charge" and "comparable use" rate concepts prevent a cable television operator from establishing different rate structures for origination and access cablecasting channels?

A. No. The Commission considers origination and access cablecasting channels to be very different and non-comparable vehicles for expression on a cable system. It is for this reason, for example, that the Commission requires "equal time" and "fairness" obligations arising on an origination cablecasting channel to be satisfied on such a channel, and not on an access channel. See paragraph 145, Cable Television Report and Order, 37 F.R. 3252 (1972). Thus, a cable operator need not have the same rate structure for both origination and access channels.

25. Q. What is the meaning of "charge made for comparable use" in section 315(b)(2)?

A. This term is identical with that in section 315(b) prior to its amendment by the Campaign Communications Reform Act, and is construed in the same manner. The section entitled "VIII. What rates may be charged candidates for programs under section 315?" in the 1970 primer contains Commission rulings on this statutory term and on paragraph (c)[b] of the Commission rules governing political broadcasts and cablecasts which implemented the old section 315(b). These rulings are still valid.

VII—SECTION 315—CERTIFICATION

VII. 1. Q. What procedure is recommended by the Commission with regard to the certification that stations must obtain pursuant to sections 315(c) and 315(d).

A. The Commission recommends the following procedure which is analogous to that which will be established by regulations of the Comptroller General for certifications required by section 104(b) of the Campaign Communications Reform Act in connection with uses by candidates of newspapers, magazines, or outdoor advertising facilities:

(1) The certification should contain the call sign and community of license of the station (or, in the case of a cable television system, the name of the system, each community served, and State);

name of candidate; his political affiliation; elective office sought; date of primary or other election in connection with which time is being purchased; dates of proposed use or uses of station; duration of each broadcast and time at which each broadcast is to be made on each date; the rate to be charged and the total charges for which payment by the candidate is certified not to violate the candidate's spending limitation; signature of the candidate or of the person specifically authorized by the candidate in writing to do so; and date of signature. In addition to the foregoing, the certification should state that payment for the use of the time purchased, including any agent's commission allowed the agent by the station, will not violate the candidate's permissible limit of campaign spending under the provisions of section 104(a) of the Federal Election Campaign Act of 1971 (Public Law 92-225) as determined by the Comptroller General of the United States for the race involved. (For State races under section 315(d), appropriate language concerning spending limits imposed by the State law should be used.)

(2) The original certification must be given to the person making the charge before the order or agreement for the particular use is accepted. One copy of the certification should be retained by the candidate or the authorized person. If prior to the date(s) of use there is a change in the amount of charge, an amended certification must be given to the station.

(3) Each authorization by a candidate to another person or persons to make certifications on behalf of the candidate shall state the name and address of the authorized individual, the name of the candidate, the election involved, and any restrictions or limitations imposed, and it should be signed and dated by the candidate. The authorized individual may retain the original but a copy of the authorization must be given to the person making the charge.

(4) Whenever a single use of a station is by or on behalf of two or more candidates for elective office, the amount attributable to the expenditure of each candidate is the amount agreed upon by the candidates in advance of the use and shown on the certification. In such situations, a joint certification, or individual certifications showing the allocation to each candidate should be furnished by joint users.

(5) Certifications should be obtained for each individual use or series of uses of a station for which a candidate contracts. (E.g., if one contract is for 100 spots, only one certification is necessary.)

(6) The certification need not be in any special form. It may, for example, be incorporated into a standard contract or start order.

(7) Certifications must, pursuant to paragraph (d) [c] of the Commission's rules, be placed in the station file which is available for public inspection, and retained for a period of 2 years. If the certification is made by a duly authorized person as mentioned in (3) above, the

copy of that person's authorization given to the person making the charge must be attached to the certification and retained with it in the file for the 2-year period.

(8) Attention of certifying parties is invited to the fact that the Comptroller General of the United States will, in the near future, promulgate regulations governing communications media spending limitations for Federal elective office as required by the Campaign Communications Reform Act. These regulations will be published in the FEDERAL REGISTER and issued in a new title 11 ("Federal Elections") of the Code of Federal Regulations. Candidates should, of course, familiarize themselves with the contents of those regulations when issued. However, as an aid to stations and candidates, and with the caveat that this information is subject to modification by the aforementioned regulations, the following represents the substance of a pertinent portion of what is expected to appear in the regulations:

An expenditure for use of a station is deemed to take place on the date or dates when the station is actually used, regardless of when payment therefor is made and regardless of the date of any contract or promise. Such expenditure is charged against the amount of the expenditure limitation applicable to the election in connection with which the station is actually used, regardless of when payment therefor is made and regardless of the date of any contract or promise. An expenditure for the use of a station, when such use occurs on or after the effective date of the Campaign Communications Reform Act (April 7, 1972), is charged against the expenditure limitation applicable to the election in which the station is used, regardless of whether or not the use is paid for or contracted for prior to the effective date of the Act. However, the Act does not apply when such use occurs entirely before the effective date of the Act, regardless of whether or not the use is paid for on or after the effective date.

2. Q. Under the provisions of sections 315(c) and 315(d), if a station gives free time for use by or on behalf of a candidate must it obtain a certification from the candidate or a properly authorized person?

A. No. The sections only require the station licensee to obtain a certification if a charge is being made for the broadcast time, for if time is given free, use of a station by or on behalf of a candidate under those circumstances cannot bring the candidate into violation of the spending limitation.

3. Q. If a candidate prior to April 7, 1972, has contracted for use of a station both prior to April 7, 1972, and after that date, must the station obtain the certification required under section 315(c) or (d) for the broadcasts which occur after April 7, 1972?

A. Yes. A certification must be obtained in all cases where a station is making a charge for use of the station by or on behalf of a legally qualified candidate on and after April 7, 1972. No certification for uses of a station prior to April 7, 1972, is necessary.

VIII—SECTION 312—REASONABLE ACCESS

VIII. 1. Q. To what candidates do the provisions of section 312(a) (7) apply?

A. They only apply to legally qualified candidates for Federal elective office (as such offices are defined in sections 312(3) and (4) of the Campaign Communications Reform Act) who are entitled to access by candidates for other than Federal elective office, a licensee must govern its conduct by established interpretations of section 315 of the Communications Act prior to amendments. One such interpretation of section 315 is the Commission's historic policy regarding sale of time to candidates for office: The licensee in its own good-faith judgment in serving the public interest may determine which political races are of greatest interest and significance to its service area, and therefore may refuse to sell time to candidates for less important offices, provided it treats all candidates for such offices equally.

2. Q. Who is a "legally qualified candidate" for Federal elective office for purposes of section 312(a) (7)?

A. A "legally qualified candidate" for Federal elective office for the purposes of this section is the same as that spelled out in Q. and A. V.I. above, i.e., for purposes of reasonable access and permitting purchase of reasonable amounts of time the definition is the same as for section 315(a) concerning "equal opportunities."

3. Q. How is a licensee to comply with the requirement of section 312(a) (7) that he give reasonable access to his station to, or permit the purchase of reasonable amounts of time by, candidates for Federal elective office?

A. Much time, under the provisions of sections 307 and 309 of the Communications Act, is required to serve the public interest, convenience, or necessity. In its Report and Statement of Policy Re: Commission Hearings Programming Inquiry (1969), the Commission stated that political broadcasts constitute one of the major elements in meeting that standard. (See *Former Educational and Cooperative Union of America, North Dakota Division v. WDAY, Inc.*, 360 U.S. 525 (1959), and *Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 367, 393-94 (1969).) The foregoing broad standard has been applied over the years to the overall programming of licensees. New section 312(a) (7) adds to that broad standard specific language concerning reasonable access.

Congress clearly did not intend, to take the extreme case, that during the closing days of a campaign stations should be required to accommodate requests for political time to the exclusion of all or most other types of programming or advertising. Important as an informed electorate is in our society, there are other elements in the public interest standard, and the public is entitled to other kinds of programming than political. It was not intended that all or most time be preempted for political broadcasts. The foregoing appears to be the only definite statement that may be made about the new section, since no all-embracing standard can be set. The test of whether a licensee has met the requirement of the new section is one of reasonableness. The Commission will not substitute its judgment for that of the licensee, but, rather, it will determine in

any case that may arise whether the licensee can be said to have acted reasonably and in good faith in fulfilling his obligations under this section.

We are aware of the fact that a myriad of situations can arise that will present difficult problems. One conceivable method of trying to act reasonably and in good faith might be for licensees, prior to an election campaign for Federal offices, to meet with candidates in an effort to work out the problem of reasonable access for them on their stations. Such conferences might cover, among other things, the subjects of the amount of time that the station proposes to sell or give candidates, the amount and types of its other programming, the 7-day rule, and the amount of advertising it proposes to sell to commercial advertisers.

4. Q. Do the provisions of section 312(a)(7) apply to persons or groups requesting access to or purchase of time on a station for themselves as spokesmen on behalf of a candidate?

A. No. The section applies only to requests for "use" of a station by a candidate. The standard of what constitutes a "use" of a station for purposes of administering section 312(a)(7) is the same as the standard concerning "equal opportunities" under section 315(a). That standard is elaborated in sections III, A, and E, of the 1970 primer and subsequent rulings. (See also Q. and A. VI.14, above.) With regard to spokesmen for candidates, a licensee must govern its conduct by the "public interest, convenience, or necessity" standard of sections 307 and 309 of the Communications Act discussed in Q. and A. VIII.3, above. See also Letter to Nicholas Zapple, 23 F.C.C. 2d 707 (1970).

5. Q. Does the "reasonable access" provision of section 312(7) require commercial stations to give free time to legally qualified candidates for Federal elective office?

A. No, but the licensee cannot refuse to give free time and also to permit the purchase of reasonable amounts of time. If the purchase of reasonable amounts of time is not permitted, then the station is required to give reasonable amounts of free time.

6. Q. If a commercial station gives reasonable amounts of free time to candidates for Federal elective office, must it also permit purchase of reasonable amounts of time?

A. No. A commercial station is required either to provide reasonable amounts of free time or permit purchase of reasonable amounts of time. It is not required to do both.

7. Q. If candidate A has spent the maximum amount of funds permitted him under the limitation set by section 104(a)(1), (2), or (3) of the Campaign Communications Reform Act and requests "equal opportunity" under the provisions of section 315(a) to respond

to a broadcast by candidate B, paid for by candidate B, which occurred after candidate A had reached his spending limit, must the station provide free time to candidate A?

A. No. Candidate A cannot furnish the necessary certification that purchase of time on the station would not result in a violation of the spending limitation.

8. Q. Some stations have in the past had the policy of not selling short political spot announcements (e.g., 10 seconds, 1 minute) on the ground that they did not contribute to an informed electorate. In light of the enactment of section 312(a)(7), may stations have such policies, or must they sell reasonable numbers of short spots to legally qualified candidates for Federal office if requested?

A. We have, prior to the enactment of section 312(a)(7), when station were (under the provisions of section 315) not required to allow use of their facilities by particular candidates for public office, ruled that licensees may have such policies. In so ruling, we have cautioned that licensees have the public interest consideration of making their facilities available to candidates, but have left to the good-faith judgment of the licensee the determination of how the facilities were to be used to serve the public interest. As complaints arose, we looked to the reasonableness of that judgment in a particular fact pattern. (31 FCC 2d 782 (1971).) Section 312(a)(7) now imposes on the overall obligation to operate in the public interest the additional specific requirement that reasonable access and purchase of reasonable amounts of time be afforded candidates for Federal office. We shall, under this new section, apply the same test of reasonableness of the judgment of the licensee. Thus whether a refusal to sell short political spots would or would not violate the provisions of the new section would depend on the circumstances in which the refusal occurred. The same would apply to similar situations, e.g., in cases where a station has a policy of not placing political spots on news programs.

9. Q. Does section 312(a)(7) apply to noncommercial educational stations, and other nonprofit stations, as well as to commercial stations?

A. Yes. There are no provisions in the Campaign Communications Reform Act exempting such stations, nor is there anything in the legislative history of the Act that would indicate that such an exemption was intended. Both types of stations would be required to give reasonable access to legally qualified candidates for Federal elective office.

10. Q. May noncommercial educational stations and nonprofit stations charge for broadcast time by or on behalf of legally qualified candidates for Federal elective office?

A. Under the provisions of the Commission rules, noncommercial educational stations operating on channels reserved for noncommercial educational use are not permitted to levy charges for time—for political broadcasts or otherwise. Some such stations presently are providing political programming without charge, and it appears that as a practical matter the new provision will not greatly alter their practices. On the other hand, those stations that do not engage in such programming will be required under the new law to provide reasonable access to candidates without charge. Noncommercial educational stations that are operating on unreserved channels, and nonprofit stations that are not educational, e.g., those offering religious broadcasting, may charge for political broadcast time (if their charters or articles of incorporation permit them to make time charges) although it is their policy normally not to charge for any time. If they do charge, notice must be given to the Commission of this change in operation. The lowest unit charge provisions of section 315(b) cannot apply to such stations since they have no rates on which to base such a charge. However, any charges made must be reasonable when viewed in the light of charges made by commercial stations in the same broadcast service licensed to serve the same community. If the charges made by nonprofit stations are unduly high, it is conceivable that they might be construed as an attempt to circumvent the reasonable access provision of section 312(a)(7). Noncommercial educational stations and nonprofit stations, whether giving free time for political broadcasts or charging for such time, may make necessary charges for production-oriented services, and for other things of the type mentioned in Q. and A. VI.15, above.

11. Q. Does the "reasonable access" provision of section 312(a)(7) require a cable television system that lacks cablecasting facilities to provide such facilities upon receipt of a request for access to or purchase of time on a system?

A. No. A cable system that lacks cablecasting facilities, other than for automated services, and is not required by the Commission's Rules to have them, need not provide such facilities upon receipt of a request for access to or purchase of time on the system.

Adopted: March 15, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,[†]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-4289 Filed 3-20-72;8:48 am]

[†]Commissioners Johnson and H. Rex Lee not participating.

QUESTIONS AND ANSWERS

GENERAL INFORMATION

1. Who is responsible for administering the provisions of the Act pertaining to statements of registration and reports of receipts and expenditures?

The Act designates three "supervisory officers" to administer Title III of the Act covering disclosure of campaign funds in campaigns for Federal office. The supervisory officers are (1) the Secretary of the Senate for reports pertaining to Senators, and (2) the Clerk of the House of Representatives for reports pertaining to Representatives, Delegates, and Resident Commissioners to Congress; (3) the Comptroller General of the United States for reports pertaining to candidates for President and Vice President, and in other cases.

2. How will questions be resolved regarding the interpretation of the requirements in the Act for which the Comptroller General is responsible?

Questions regarding matters for which the Act designates the Comptroller General as responsible supervisory officer and for other matters should be submitted in writing. The Comptroller General will issue interpretations, interpretive rulings, and advisory opinions as may be required. Questions should be addressed to:

Director, Office of Federal Elections
U.S. General Accounting Office
441 G Street, NW.
Washington, D.C. 20548
Telephone: 202-386-6411

Copies of regulations, political committee registration forms, and financial report forms may also be obtained this way.

3. During what hours will the Office of Federal Elections be open for business?

The Office will be open from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. When pre-election reports for presidential elections are being filed, the Office will also be open on Saturdays from 9 a.m. to 5 p.m.

4. Will copies of financial reports filed by candidates and political committees be available from the General Accounting Office (GAO)?

Yes. Financial reports and registration statements filed will be available for public inspection and copying at the Office of Federal Elections in the GAO and also at State capitals. Requests for copies can be made in person or in writing. Copies will be made available at a cost per page to be posted. Persons submitting requests for copies by mail will be billed for the cost of mailing in addition to the cost of producing the requested copies. (NOTE: The law states that information obtained from the reports and registration statements is not to be sold or used for the purpose of soliciting contributions or for any commercial purpose.)

5. Will copies of reports filed by candidates and political committees be printed and made available to the public?

Yes. Copies of the statements of organization and all financial reports filed by each political committee during the calendar year will be printed by the Public Printer and sold to the public by the Superintendent of Documents. The Comptroller General is required to compile and furnish to the Public Printer by March 31 each year an annual report for each political committee containing copies of all reports filed, together with a copy of the statement of organization. The reports should be available to the public within a reasonable time after that date.

6. Will copies of statements of organization and reports of receipts and expenditures filed with State officers be available for public inspection and copying?

Yes. The law requires this. A charge will be made for copies furnished.

7. Is there a legal limit on the amount which individuals may contribute to a candidate or political committee?

There is no legal limit on the amount that individuals may contribute to a candidate or political committee. There are limitations, however, on expenditures which a candidate for Federal elective office may make from his personal funds or the personal funds of his immediate family.

The legal limits are:

- (1) \$50,000 for a candidate for the Office of President or Vice President.

- (2) \$35,000 for a candidate for the office of Senator.
- (3) \$25,000 for a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

The candidate's immediate family includes the candidate's spouse, and any child, parent, grandparent, brother or sister of the candidate, and their spouses. These limitations are contained in Title II of the Act as an amendment to Title 18 of the United States Code.

STATEMENTS OF ORGANIZATION
OF POLITICAL COMMITTEES

1. Who is required to register with the U.S. General Accounting Office under the Federal Election Campaign Act of 1971?

Every political committee (committee, association, or organization) which anticipates receiving contributions or making expenditures during a calendar year of more than \$1,000, any portion of which will be expended for or on behalf of candidates for the office of President or Vice President of the United States. The same registration requirements apply to political committees receiving contributions and making expenditures for or on behalf of candidates for senator and representative of the U.S. Congress.

2. When are political committees required to register?

A statement of organization is required to be filed within 10 days after its organization or 10 days after the committee has information which causes it to anticipate receiving contributions or spending over \$1,000, whichever is later. Since, however, many committees will have met this criteria by April 7, 1972, the effective date of the Act, they are required to file a registration statement by April 17, 1972. Registration forms may be obtained from the U.S. General Accounting Office, Secretary of the Senate, or Clerk of the House of Representatives.

3. Is there a specific form to be used by political committees supporting candidates for President and Vice President in filing statements of organization?

Yes. Form CG-1 is to be used in filing a statement of organization. This form may be obtained from the Office of Federal Elections, U.S. General Accounting Office, 441 G Street, NW., Washington, D.C. 20548.

4. If a political committee expects to receive contributions or spend over \$1,000 for candidates for Senator or Representative to the U.S. Congress in addition to the office of President, are separate statements of organization required to be filed?

Yes. If the political committee expects to receive contributions or spend more than \$1,000 for or on behalf of candidate(s) for senator or representative, registration statements should be filed, as appropriate, with the:

Secretary of the Senate
Room S-221
Capitol Building
Washington, D.C. 20510

and/or

Clerk of the House of
Representatives
Room 1036 Longworth House
Office Building
Washington, D.C. 20515

5. How is information included in registration statements changed? For example, how is a change in the position of chairman or treasurer for a political committee to be reported?

If the change involves, for example, only a change in the name of the chairman or treasurer, it may be reported by letter. The notification should identify the name of the political committee, address, and registration number in addition to the names of the old and new officers. If the changes are extensive, revised registration statements should be filed.

6. The statement of organization must include the names, addresses, and relationships of affiliated or connected organizations. What is meant by the term "affiliated or connected organizations"?

Affiliated or connected organizations includes but is not limited to (1) an organization which organized the reporting committee primarily for the purpose of influencing the nomination or election of candidates for Federal office; or (2) an organization whose primary purpose is to support the reporting committee; or (3) an organization whose membership is generally similar to that of the reporting committee.

REPORTING OF RECEIPTS AND EXPENDITURES
BY
CANDIDATES, POLITICAL COMMITTEES, AND OTHER PERSONS

1. Who is required to file reports of receipts and expenditures of campaign funds for Federal office with the Comptroller General of the United States?

Periodic reports are required to be filed by:

- a. Every candidate for nomination or election to the office of President or Vice President of the United States.
 - b. Every political committee which supports a candidate or candidates for nomination or election to the office of President or Vice President and receives contributions or spends more than \$1000 in a calendar year.
 - c. Any person (other than a candidate or political committee) who makes contributions or expenditures, other than by contribution to a candidate or political committee, in excess of \$100 during a calendar year.
2. Is there a specific form to be used by candidates, political committees, and other persons in filing reports of receipts and expenditures of Federal campaign funds?

Yes. Form CG-3 is to be used by political committees and other persons; Form CG-2 is to be used by candidates for the offices of President or Vice President. The form may be obtained from the Office of Federal Elections, U.S. General Accounting Office, 441 G Street, NW., Washington, D.C. 20548. The form contains instructions regarding the information and data required to be reported.

3. How many copies of the Report of Receipts and Expenditures (Form CG-3) should be filed by political committees with the Office of Federal Elections and the State officer?
- a. An original is required to be filed with the Office of Federal Elections. (This may be hand delivered or sent in preprinted return envelopes supplied by the Office of Federal Elections. The special envelopes request priority handling by the U.S. Postal Service.)
 - b. One copy is required to be filed with the State officer (e.g., Secretary of State) of the State or other jurisdiction where the committee has its principal office.

4. Under what conditions can a political committee be relieved of filing reports of receipts and expenditures with the Comptroller General?

Political committees do not have to file financial reports if:

- a. The committee is a local, city, or county committee and does not conduct its activities throughout the State or in any other State; and
 - b. The committee primarily supports persons seeking State or local office; and
 - c. The committee does not make contributions or expenditures, including transfers of funds to any other political committee, in support of a candidate for nomination or election to the office of President or Vice President of the United States in an aggregate amount exceeding \$1,000 in a calendar year. A contribution or expenditure in support of a candidate for Vice President is considered to be made on behalf of the candidate for President with whom he is running.
5. When do reports of receipts and expenditures have to be filed by candidates, political committees, and other persons?

Reports are required to be filed on March 10, June 10, September 10, and January 31, for each calendar year and on the fifteenth and fifth days next preceding each presidential primary and general election and national nominating convention. The reports shall be cumulative and each report will cover the period from the closing date of the previous report filed.

6. What information is required to be reported for each contributor in an amount in excess of \$100?

- a. Full name
- b. Residence mailing address, including zip code
- c. Occupation
- d. Principal place of business, if any

The occupation should be identified by the title, if any, or type of work. The principal place of business should be identified by the full name of the contributor's employer or organization if self employed, and city of employment or self-employment.

This information should be stated identically on each report if the information remains unchanged. If any of the items should change during the calendar year, the exact name and address previously used should be shown with subsequent entry, as well as the new information.

7. If several contributions of less than \$100 are received from a contributor which aggregate more than \$100 during the calendar year, is it necessary to report his name, address, and other required information?

Yes. Special instructions are contained on Schedule A on how these situations are to be accounted for and reported.

8. Do all contracts, agreements, or promises to make contributions need to be reported to the Office of Federal Elections?

No. They are required to be reported only if they are made in advance of actual payment, are made in writing, and exceed the amount of \$100.

9. Is a report required to be filed when a political committee disbands?

Yes. Any committee which previously filed a statement of organization is required to notify the Comptroller General when it disbands. The notification should include a statement as to the disposition of residual funds or debts.

A committee must continue reporting its debts and obligations until extinguished.

10. Are any expenditures made before April 7, 1972, required to be reported?

Yes. If an expenditure is made before April 7, 1972, for the use of communications media after that date, it must be reported and charged against the candidate's limitation applicable to the election in which used. Other contributions received or expenditures made before April 7, 1972, need not be reported.

11. Who is required to file reports of receipts and expenditures other than candidates and political committees?

Every person who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year. These reports are required to be filed on the dates on which reports by political committees are filed and contain the same information, except they need not be cumulative.

12. The law defines contributions as a gift, subscription, loan, advance, a deposit of money, or "anything of value." How should the dollar value of contributions in kind (anything of value) be determined for reporting purposes?

The dollar value of contributions in kind should be determined by the contributor. It should be the fair market value of the item contributed; i.e., the value of the item if it were to be purchased or sold. The candidate or political committee receiving the contribution, however, should question the value placed on an item if it appears unreasonable. Contributions in kind must be reported on Schedule A appropriately labelled.

13. Is it acceptable to submit required reports of contributions and expenditures on computer tapes or disks?

Since the Comptroller General is required to make reports filed available for public inspection and copying no later than the second day after receipt, it is necessary that printed copies of the report be filed. The Office of Federal Elections, however, may find the computer tapes or disks helpful in preparing the yearly compilation reports. The use of them, therefore, should be offered to the Office of Federal Elections. Where printed reports are made with the use of a computer, the reports should provide the same information required by the report forms.

14. The law requires that any contribution of \$5,000 or more received after the closing date for the last report filed by a political committee, but prior to a primary, general, or other election, shall be reported within 48 hours after its receipt. Do transfers between political committees have to be reported under this requirement?

Yes. The definition of contribution contained in Section 301 of the law includes "a transfer of funds between political committees." Reports of \$5,000 contributions during the required period should be filed on Form CG3 or by telegram. Other items included in the definition of "contribution" are:

- a. A gift, subscription, loan, advance, or deposit of money or anything of value.
- b. A contract, promise, or agreement, whether or not legally enforceable, to make a contribution.
- c. The payment by any person other than a candidate or political committee of compensation for the personal services rendered to a candidate or committee without charge to them.

15. Who is required to file reports on national conventions?

Committees or organizations which:

- a. Represent a State (or a political subdivision thereof) or any group of persons in dealing with national party officials with respect to a nominating convention.
- b. Represent a national party in making arrangements for a nominating convention.

The reports must be made within 60 days following the convention but not later than 20 days prior to date of the general election, on forms prescribed by the Office of Federal Elections.

REPORTS BY COMPTROLLER GENERAL

1. What types of reports will be prepared and published by the Comptroller General on contributions and expenditures by and on behalf of candidates for the Office of President of the United States?

At the end of each calendar year the Comptroller General will prepare and publish an annual report of:

- a. Total reported contributions and expenditures for all candidates, political committees, and other persons during the year.
- b. Total amounts expended according to such categories as he shall determine and broken down into candidate, party and nonparty expenditures on the National, State, and local levels.
- c. Total amounts expended for influencing nominations and elections stated separately.
- d. Total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees.
- e. Aggregate amounts contributed by any contributor shown to have contributed in excess of \$100.

In addition, special reports will be prepared from time to time (1) comparing various totals and categories of contributions and expenditures made with respect to preceding elections and (2) others as deemed appropriate.

MEDIA RATES

1. Who is responsible for administering the provisions of the Act pertaining to charges for use of communications media?

The Federal Communications Commission has this responsibility for charges relating to the use of broadcasting stations. (See Guidelines of the Federal Communications Commission). The Comptroller General of the United States has this responsibility for charges relating to the use of newspapers and magazines.

2. How will a candidate know if he is being charged the correct amounts for use of broadcasting facilities, newspapers, or magazines for campaign purposes?

The broadcasting stations, newspapers, and magazines are required to make information available which will disclose the rate structures. The law limits charges for broadcasting to the lowest unit charge of the station for the same class and amount of time for the same period. The limitations on rate charges apply during the 45-day period preceding a primary and during the 60-day period preceding the general election.

3. If a candidate, in connection with his campaign for nomination or election to a Federal elective office, believes that he has been charged an amount in excess of the lowest unit charge by a broadcasting station, what action may he take?

The Federal Communications Commission has the responsibility to prescribe regulations for Section 103(a) pertaining to charges for use of broadcasting stations. The candidate therefore, may file a complaint with the FCC alleging that the broadcasting station has violated Section 103(a) of the Act.

4. If a candidate for President or Vice President or for the Senate or House believes that he has been charged for space in a newspaper or magazine an amount exceeding the charges made for comparable use of such space for other purposes, what action may he take?

The candidate may file a complaint with the Comptroller General alleging that the newspaper or magazine has violated Section 103(b) of the Act. After an investigation, if it is believed that a violation has occurred, the matter will be referred to the Attorney General. Before filing a complaint, however, the candidate should make reasonable efforts to resolve the difference. If a complaint is filed, a copy should be sent to the newspaper or magazine involved in the complaint.

5. If questions arise on spending for the use of communications media by candidates or in behalf of candidates for Federal elective office, how can the answers to them be determined?

By writing or calling:

Office of Federal Elections
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548
Telephone: 202-386-6411

LIMITATIONS ON EXPENDITURES FOR
COMMUNICATIONS MEDIA

1. How much can legally qualified candidates for the office of President spend for use of communications media in political campaigns?

Candidates can spend up to the following amounts:

Pre-Nomination

An amount equal to 10¢ times the voting age population of the State, District of Columbia or Puerto Rico., but not less than \$52,150 in each jurisdiction during 1972.

General Election

An amount equal to 10¢ times the combined voting age population in the United States, District of Columbia, and Puerto Rico.

These amounts, however, will change in future years by the percentage that the price index increases or as voting age population estimates change. The Comptroller General each year will determine the amount of expenditure limitation for each State and congressional district and for the nation, and will publish them in the Federal Register. They will also be made available to all candidates, political committees, and other interested persons through general distribution.

2. How will a congressional candidate know if the amount he can spend exceeds the \$52,150 limitation if he doesn't know the voting age population?

On or before April 7, 1972 (during the first week in January in future years), the Secretary of Commerce will provide and certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district. These estimates will be the basis for determining the total amount that can be spent for communications media. Tables showing the voting age population by State and congressional district are available from the General Accounting Office, as well as the limitation amounts.

3. Are there any other limitations that apply to spending for use of communications media?

Yes. Of the total amount that candidates for President or Congress are authorized to spend for use of communications media, they may spend up to 60 percent for use of "broadcasting stations." Broadcasting stations are TV and radio stations and CATV systems. Other communications media are newspapers; magazines; outdoor advertising facilities; and telephones, under certain conditions. Tables showing the expenditures authorized to be made by candidates for communications media will be available from the General Accounting Office.

4. Does the limitation apply separately to candidates for President and Vice President?

Not in the general election period. For purposes of the spending limitation for communications media, the office of President includes both the President and Vice President.

5. Will records be kept by the supervisory officers which will disclose whether candidates have exceeded the expenditure limitations for communications media?

The supervisory officers will periodically receive financial reports on all contributions and expenditures from candidates and political committees. However, it is the responsibility of each candidate for Federal elective office to maintain accurate and complete records of expenditures for communications media for use in controlling expenditures and making sure that limitations are not exceeded.

6. If a candidate decides to spend for communications media less than his overall limitation, will this in any way affect the candidate's broadcasting limitation? For example, if a candidate has available \$40,000 to spend on communications media and his overall spending limitation is \$60,000 is his broadcasting spending limitation \$24,000 (60 percent of \$40,000) or \$36,000 (60 percent of \$60,000)?

The candidate may spend for broadcasting purposes up to 60 percent of his overall limitation for communications media. In the example above, the candidate can spend up to \$36,000 for use of broadcasting stations.

7. For purposes of determining the communications media expenditure limitations, is each primary, general, special, and runoff election treated separately?

Yes. A new expenditure limitation is applicable to each separate election. No amount is carried over from one election to another.

8. Are communications media expenses charged against the candidate's expenditure limitations at the time the medium is used or at the time of payment?

Communications media expenses are to be charged against the limitation in the election in connection with which the medium is used. Therefore, commitments and expenditures made for the use of media on or after April 7, 1972, are required to be charged as appropriate against limitations applicable to elections held after that date. No charges will be made against the limitations if the use preceded April 7, 1972.

9. How will a newspaper, magazine, or outdoor advertising company know whether a candidate is exceeding his expenditure limitation for communications media?

The candidate or his authorized representative is required to certify in writing that the payment for the use of the communications media used will not violate the expenditure limitation.

10. If a candidate for presidential nomination makes a campaign speech on television or radio in a State where a primary is to be held and the broadcast reaches significant portions of nearby States, is the cost of the broadcast required to be apportioned among all States affected? If so, how are these costs to be apportioned and by whom?

If the candidate intends to reach persons in only one State in which he is actively seeking primary votes or convention delegates, then no apportionment is made and the total expenditure is attributed to the one State. If he intends to reach persons in two or more States in which he is actively seeking primary votes or convention delegates, the amount will be apportioned among such States. However, after the selection of all delegates to a national convention is completed and before the convention, the total amount must be apportioned among all the States reached by the broadcast.

11. If political committees or individual persons pay for the use of broadcasting stations, newspapers, or magazines to benefit a candidate's campaign, are these payments applied to the candidate's limitations?

Yes. Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office are deemed to have been spent by the candidate if the use (1) involves his participation by voice or image or advocates his candidacy; or (2) identifies the candidate, directly or by implication, or advocates his candidacy. The candidate, therefore, will need to maintain records of all expenditures for communications media in his behalf to make sure he does not exceed the limitations provided by the law. Political committees and other persons, as well as candidates, are required to report these expenditures as outlined in Titles I and III of the Act.

12. Are amounts spent by a candidate, or a political committee or other person in behalf of a candidate, for use of communications media to urge an opponent's defeat or derogating an opponent's stand on campaign issues chargeable against the spending limitation of the candidate?

Candidate A is not charged with amounts spent attacking any of his opponents unless he directly or indirectly authorizes the spending. The media may charge for such spending by other persons, provided that the person signs a statement that he is not authorized by candidate A and the media takes reasonable precautions. In such case, the ad must contain a conspicuous disclaimer. Criminal penalties apply to false or fraudulent statements by any such person.

13. If a candidate for presidential nomination has not reached his spending limit in 45 states but has reached his limit in 5 states, can he have a paid nationwide telecast before his party's national convention?

No. Unless the five states are blacked out, he will be exceeding his spending limit in those states, and thus be in violation of Title I of the Act.

14. How will expenditures for television and radio and other media in two or more states by candidates for presidential nomination be apportioned?

The broadcasting station or the network will inform the candidate of its "primary service" coverage in each state reached. This will be estimated based on the Grade B contour for television, the 1 mv/m contour for FM radio, and the daytime and nighttime coverage for AM radio. These are technical terms which are defined by FCC standards. Newspapers, magazines and outdoor advertising companies will inform the candidate of their coverage in each state.

15. If two or more candidates for Federal Election office combine in a single use of a particular communications media, how should the amounts attributable to the expenditure limitation of each candidate be determined?

The distribution of the single expenditure among the candidates involved should be made on a reasonable basis and as agreed upon and certified by them.

16. Are agent's commissions included in the amount charged to the media spending limitations?

Yes. If they are agents commissions allowed the agent by the media, they are included within the amount charged to the candidate's spending limitation and must be included in the candidates' certification to the media.

STATEMENT BY THE COMPTROLLER GENERAL OF THE UNITED STATES
ELMER B. STAATS

The Federal Election Campaign Act of 1971, approved by the President February 7, 1972, represents a major departure from previous legislation governing Federal elections. The Act, effective on April 7, 1972, imposes dollar limitations for the first time on spending by candidates for media use and, in addition, requires full disclosure of contributions and expenditures by candidates and their political committees for all purposes.

The Comptroller General of the United States has the responsibility for promulgating regulations to carry out the requirements and restrictions relating to the use of newspapers, magazines, outdoor advertising and telephones. Similar regulations pertaining to radio and television are the responsibility of the Federal Communications Commission.

The Act establishes three supervisory officers to administer Title III of the Act, "Disclosure of Federal Campaign Funds." This Title sets forth detailed provisions for the recording, reporting and making public virtually all campaign contributions and expenditures.

While the time for development of the regulations has been brief, there is agreement among the Comptroller General, the Federal Communications Commission, the Secretary of the Senate, and the Clerk of the House that it is important to have the regulations go forward at the earliest practicable time in order to allow maximum opportunity for all individuals and committees concerned to become familiar with the provisions of the Act and the implementing regulations. The three supervisory officers are in

full agreement with respect to the detailed reporting provisions required by the Act. Similarly, consistent regulations have been developed with respect to Title I between the Comptroller General and the Federal Communications Commission.

We intend that these regulations will serve the objective the Congress sought to attain in the best way possible. This is a difficult area in which to regulate and, while we have attempted to anticipate as many problems as possible in the time available, there is no sure way in which regulations--or a statute, either--can be drawn so as to cover specifically every imaginable situation.

I think the regulations are sound and workable but I would expect that, despite our best efforts, both the media and the candidates themselves may discover difficult administrative problems from time to time which we could not foresee.

It has to be said, however, that no law or set of regulations can be self-executing; nor when restraints or administrative requirements are imposed, such as here, are they entirely painless. So, in the final analysis, it is only through the efforts of the media and the candidates themselves that the overall objectives and the intent of the law can be achieved.

I have established an Office of Federal Elections in the U.S. General Accounting Office, 441 G Street, NW., Washington, D.C., to assist me in carrying out the duties assigned by the Act.