



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

February 11, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1979-67

Mr. James Lynn  
General Counsel  
Republican National Committee  
310 First Street, S.E.  
Washington, D.C. 20003

Dear Mr. Lynn:

This responds to your joint letter dated August 24, 1979 which was received November 6, 1979, requesting an advisory opinion on behalf of the Republican National Committee ("RNC") and Democratic National Committee ("DNC") regarding application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations to an intern program ("the Program") established by the George Peabody College for Teachers of Vanderbilt University in which both the RNC and DNC plan to participate.

According to your letter Peabody College has established an internship program in practical politics which offers 12 hours of graduate level college credit for approximately twenty high school social studies teachers. The Program extends over one semester encompassing both academic instruction and first-hand clinical experiences in legislative and campaign committee offices. The planned curriculum includes a clinical experience for each student for a limited duration (three to four weeks) at either the DNC or RNC and at either a Senate or Congressional office or campaign headquarters for the teacher's home state. To the extent that committee, office, or campaign internships are available, the teacher-student exercises his/her judgment in the selection of the committee or staff for which the student will work.

The Program will be supported through a scholarship fund of the Peabody Center for Economic and Social Studies Education at Peabody College. Each graduate student will be awarded a scholarship in the amount of \$8,000 plus a waiver of tuition for successful completion of the Program. You state that contributions to the scholarship fund will be solicited from "private individuals; educational foundations; corporations interested in economic, political and social studies education; teacher organizations; organizations established for the purpose of promoting continuing education for teachers."

You explain that all funds collected for the Program will be administered by the Peabody Center under the auspices of Vanderbilt University, a tax exempt organization under §501(c)(3) of the Internal Revenue Code, and that at no time will any of the scholarship funds be paid directly or indirectly to either National Party Committee or to any Senate or Congressional office, staff, or campaign committee.

The Program raises certain issues which you desire the Commission to address in an advisory opinion. You ask several specific questions:

1. Whether the activities of the graduate students as interns with the National Committees or with any Senate or Congressional staff would constitute a contribution in-kind under 2 U.S.C. 431(8)(A), formerly 2 U.S.C. 431(e).
2. Whether the Peabody Center for Economic and Social Studies Education of George Peabody College for Teachers of Vanderbilt University would be considered a "political committee" under the Act pursuant to 2 U.S.C. 431(4), formerly 2 U.S.C. 431(d), or pursuant to any other section.
3. Whether amounts contributed to the scholarship fund by any of the sources enumerated above are subject to or prohibited by 2 U.S.C. 441a and/or 2 U.S.C. 441b.
4. Whether any other aspect of the Program would contravene the Act or any of the Commission's regulations.

The Commission recognizes the basic educational purpose of the proposed intern program. There would be, however, a contribution in-kind if the interns engage in activity related to the campaigns of individuals seeking Federal office. The Commission therefore concludes that service by interns with National Political Party Committees and Senate or Congressional staffs, no substantial portion of which is devoted to Federal campaign purposes, would not result in an in-kind contribution.

The Commission's response to your second question results from the first answer. As long as the Program internships do not constitute contributions in-kind, the Peabody Center would not be considered a "political committee" as defined in 2 U.S.C. 431(4) since Peabody would be neither receiving contributions nor making expenditures for purposes of the Act. See 2 U.S.C. 431(8) and (9).

With respect to question number three, to the extent that the activity of these interns is not related to campaigns for Federal office, contributions to defray the cost of such program would not be subject to nor prohibited by 2 U.S.C. 441a or 441b. To the extent that this intern activity relates to campaigns for Federal office, contributions thereto would be subject to and prohibited by 2 U.S.C. 441a and 441b. As for internships with the national party committees, as long as the activities of the interns during the time period of their work with the committees are not such that they devote substantial time to the Federal election campaign activity of the committees, the limitations of 441a and the prohibitions of 441b would not be triggered.

In response to your fourth question, the Commission is of the opinion that subject to the foregoing discussion, the Program as described in your request would not contravene the Act or Commission regulations.

The Commission expresses no opinion concerning possible tax ramifications in the situation described in this opinion since those issues are not within its jurisdiction. Nor does the Commission express any views as to possible application, of House or Senate rules.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Robert O. Tiernan  
Chairman for the  
Federal Election Commission