



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 002

Date Filmed 7/16/79 Camera No. --- 2

Cameraman GPC

FEDERAL ELECTION COMMISSION

1. Memo from Spiegel to L. McCoy, 6-9-76
2. Memo from B. Fagan to Spiegel/Hershman/McKay, 6-3-76
3. Memo from Spiegel to McKay, 5-24-76
4. Memo from Murphy to Spiegel/Oldaker, 5-4-76
5. Memo from Murphy to Commission, 4-27-76
6. Memo from D. Vaughn, to File, 1-22-76
7. Memo from OGC/Disclosure to Commission (joint report), no date.
8. Memo from Spiegel to Schachman, 11-20-75
9. Memo from Spiegel to Murphy/Schachman, 11-5-75
10. Memo from Spiegel to Schachman, 11-4-75
11. Press Memo from Fiske to McKay/Roman, 10-3-75
12. Memo from Schachman to File, 10-6-75
13. Memo from Schachman to File, 8-18-75

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed

date

Kurt Gunkel
12/3/77

FEC 9-21-77

14. Memo from Schachman to File, 8-18-75
15. Memo from Schachman to File, 8-12-75
16. Memo from Schachman/McKay to File, 7-15-75
17. Draft Audit Report, from B. Fagan, no date
18. Memo from OGC/AID to the Commission, no date.
19. Chronology Memo dated 3-5-76
20. draft letter to Thomson 4-22-76
21. Memo to Murphy dated 12-10-75
22. Memo to File 12-10-75-from Schachman
23. Memo to Schachman from Spiegel 11-18-75
24. Summation of Litton no date
25. Memo to Schachman from Spiegel dated 10-28-75
26. Memo on Hearings of 9-17-75
27. telephone memo dated 9-2-75

LAW OFFICES

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET N.W.

WASHINGTON, D. C. 20006

AREA CODE 202 331-1005

EMANUEL ROUVELAS
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2000 I. B. M. BUILDING
 SEATTLE, WASHINGTON 98101
 206 623-7580

May 18, 1976

Mr. John G. Murphy
 General Counsel
 Federal Election Commission
 1325 K Street, N.W.
 Washington, D.C. 20463

RE: Litton Compliance Action - MUR 002 (75)

Dear Mr. Murphy:

Enclosed are documents submitted in compliance with the Conciliation Agreement of March 22, 1976. In order to prepare these documents, the Congressman retained an accountant who scheduled the various accounts involved. The accountant's work papers, plus other underlying documentation, will be made available to Commission auditors in the event you wish to confirm the accuracy of this report and others filed by the Litton campaign.

Attachment 1 is a schedule of travel disbursements made by the Congressman that may be deemed campaign-related under the Federal Election Campaign Act, as interpreted by the Commission. The period covered is from May 1, 1975, to March 31, 1976. Additional disbursements after March 31 that may fall into this category will be reported on FECA reports filed for the second calendar quarter of 1976.

Following are the categories of disbursements for the periods in question, as reflected on Attachment 1, that may be reportable under the FECA:

- Column 1 Staff travel and lodging paid by the Congressman from his personal accounts; such disbursements could appear as expenditures on Congressman Litton's personal FECA reports for the periods in question.
- Column 2 Travel received as a contribution in-kind that could appear as contributions on Congressman Litton's personal FECA reports for the periods in question.

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- Column 3 Travel by Congressman Litton himself that could appear as expenditures from his personal funds on personal FECA reports filed for the periods in question.
- Column 4 Travel that has now been paid by the Missourians for Litton political committee; These expenditures will be reported on the committee's FECA report for the second calendar quarter.
- Column 5 Miscellaneous disbursements made by Congressman Litton himself that could appear as expenditures on the Congressman's personal FECA reports for the periods in question.

Attachment 2 is a summary of monthly production costs of the Dialogue with Litton program. Once again, full documentation and accountant's work sheets will be made available to FEC auditors upon request. After March 22, the Litton campaign has paid and will pay all expenses for the Dialogue show.

As you know, the Compliance Agreement requires the Litton campaign to repay the Dialogue committee for 44 percent of its disbursements for each month from September 25, 1975, to March 22, 1976. The significance of the repayment is substantially diminished now that expenditure limits have been struck down. Moreover, the Litton campaign committee has now taken over the Dialogue Committee pursuant to the requirements of the Conciliation Agreement, so a payment from one committee to the other is less meaningful. Nevertheless, payment has been made in compliance with the Agreement.

Attachment 3 is a list of all honoraria received in 1975. Some of the amounts designated as "actual travel expenses" were recomputed, according to FEC interpretations. You will note on page 3 of this attachment that certain honorariums and expense payments were returned to the donors. The Congressman has not exceeded honoraria limits in effect during 1975.

I particularly want to thank you for the extensions of time granted for compliance with the Agreement. Considerable time and effort were expended to prepare these materials. I now believe them to be accurate and in full compliance with the Conciliation Agreement.

Very truly yours,



Robert Thomson

Counsel to Congressman Litton

RT:af
Attachments

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ATTACHMENT I

--

JERRY L. LITTON

--

DISBURSEMENTS & IN-KIND RECEIPTS

--

May 1, 1975 to August 21, 1975

DATE	LOCATION	1 STAFF TRAVEL AND LODGING/ CANDIDATE EXPENDITURE	2 TRAVEL/ INKIND CONTRIBUTION	3 TRAVEL/CANDID- ATE EXPENDITURE	4 TRAVEL/PAID BY "MISSOURIANS FOR LITTON"	5 OTHER/CANDIDATE Description	EXPENDITURE Amount
5/10/75	Ozark Airlines			\$28.37			
5/28/75	Flight Kansas City to St. Louis			\$36.35			
5/28/75	St. Louis overnight	\$37.64					
6/5/75	Kansas City					Refreshments and room for meetings	\$218.11
6/7/75	Lake Ozark overnight	\$24.07					
6/7/75	Mileage			\$44.00			
6/14/75	Kansas City					Dinner Meeting	\$132.80
7/20/75	St. Louis					Breakfast Meeting	23.16
7/17 to 7/20	St. Louis	\$174.12				Miscellaneous food, parking, etc	201.50
7/20/75	St. Louis					Dinner Meeting	124.80
7/21/75	Jefferson City	\$ 32.60					
7/26/75	St. Louis	\$ 41.61					
8/8/75	St. Louis flight			\$36.35			
8/9/75	Kansas City flight			\$36.35			

ATTACHMENT I

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JERRY L. LITTON

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DISBURSEMENTS & IN-KIND RECEIPTS

--

August 22, 1975 to March 31, 1976

DATE	LOCATION	1 STAFF TRAVEL AND LODGING/ CANDIDATE EXPENDITURE	2 TRAVEL/ IN-KIND CONTRIBUTION	3 TRAVEL/CANDID- ATE EXPENDITURE	4 TRAVEL/PAID BY "MISSOURIANS FOR LITTON"	5 OTHER/CANDIDATE Description	EXPENDITURE Amount
8/23/75	Private plane St. Louis to Osage Beach to St. Louis						
8/24/75	Flight St. Louis to Kansas City			\$36.35			
8/25/75	Flight Kansas City to St. Louis			\$36.35			
8/26/75	Southeast Missouri					Car Rental	\$158.25
8/26/75	Overnight-Blytheville ARK	\$18.40 (est.)					
8/27/75	Overnight-Cape Girardeau	16.89					
8/28/75	Flight Memphis to Kansas City			\$38.37			
8/2/75	Flight Kansas City to Washington			\$120.37			
8/13/75	Flight-Private plane in-kind contribution by Bill Powell-farmer Princeton, Missouri		\$296.60				
9/25/75	Private plane St. Louis to Farmington to St. Louis				\$232.00		
9/25/75	Flight Washington to St. Louis			\$71.37			
9/26/75	Flight St. Louis to Washington			\$71.37			
9/26/75	Private plane St. Louis to Hannibal				\$ 49.60		
10/7/75	Overnight Jefferson City	\$21.24					

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ATTACHMENT I

-- JERRY L. LITTON -- DISBURSEMENTS & IN-KIND RECEIPTS

-- August 22, 1975 to March 31, 1976

DATE	LOCATION	1 STAFF TRAVEL AND LODGING/ CANDIDATE EXPENDITURE	2 TRAVEL/ IN-KIND CONTRIBUTION	3 TRAVEL/CANDID- ATE EXPENDITURE	4 TRAVEL/PAID by "MISSOURIANS FOR LITTON"	5 OTHER/CANDIDATE Description	EXPENDITURE Amount
10/10/75	St. Louis					Breakfast	\$35.00 (est.)
10/10/75	Flight St. Louis to Kansas City			\$36.35			
10/14/75	Overnight-Jefferson City	\$50.70				Miscellaneous	\$ 1.77
10/16/75	Overnight-Joplin	\$33.21					
10/17/75	Overnight- Columbia	\$31.20					
10/24/75	Flight Washington to St. Louis			\$98.37			
10/25/75	Overnight-Columbia	\$42.35					
10/26/75	Overnight-Sedalia	\$20.80					
10/28/75	Flight Kansas City to St. Louis			\$36.35			
10/29/75	St. Louis					Entertainment	\$31.18
11/1/75	Flight St. Louis to Kansas City			\$49.70			
11/2/75	Flight Kansas City to St. Louis			\$49.70			
11/3/75	Flight St. Louis to Kansas City			\$49.70			
11/8/75	Overnight- Kirksville	\$20.60					
11/15/75	Flight St. Louis to Kansas City			\$49.37			
11/16/75	Flight Kansas City to St. Louis			\$49.37			
11/15/75	St. Louis					Breakfast	\$35.00 (est.)

ATTACHMENT I -- JERRY L. LITTON -- DISBURSEMENTS & IN-KIND RECEIPTS -- August 22, 1975 to March 31, 1976

DATE	LOCATION	1 STAFF TRAVEL AND LODGING/ CANDIDATE EXPENDITURE	2 TRAVEL/ IN-KIND CONTRIBUTION	3 TRAVEL/CANDID- ATE EXPENDITURE	4 TRAVEL/PAID BY "MISSOURIANS FOR LITTON"	5 OTHER/CANDIDATE Description	EXPENDITURE Amount
11/20/75	Flight Washington to St. Louis			\$101.37			
11/21/75	Flight St. Louis to Columbia to St. Louis			\$ 64.74			
11/22/75	St. Louis					Breakfast	\$70.00 (est.)
11/22/75	Private plane St. Louis to Lake Ozark to Kansas City				\$311.60		
12/5/75	Private plane St. Louis to Lake Ozark				\$ 29.37		
12/19/75	Overnight-Mannibal	\$15.34					
12/29/75	Overnight-Sikeston	\$36.17					
1/10/75	Overnight-Mannibal	\$15.34					
1/11/76	Overnight-Warrenton	\$11.85					
1/13/76 to 1/16	Overnight-St. Louis	\$98.08					
1/16/76	Overnight-Columbia	\$59.40					
1/31/76	St. Louis					XEROX	\$ 3.00
2/1/76	Private plane St. Louis to Milan to Kansas City in-kind by Bill Powell-farmer Princeton, Missouri		\$336.40				
2/23/76	St. Louis					XEROX	\$11.40
2/27/76	Overnight-Sedalia	\$43.46					
3/5/76	Overnight-Lebanon	\$11.84					

ATTACHMENT I

-- JERRY L. LITTON -- DISBURSEMENTS & IN-KIND RECEIPTS

-- August 22, 1975 to March 31, 1976

DATE	LOCATION	1 STAFF TRAVEL AND LODGING/ CANDIDATE EXPENDITURE	2 TRAVEL/ IN-KIND CONTRIBUTION	3 TRAVEL/CANDID- ATE EXPENDITURE	4 TRAVEL/PAID BY "MISSOURIANS FOR LITTON"	5 OTHER/CANDIDATE Description	EXPENDITURE Amount
2/20/76	St. Louis						
2/25 to 3/7/76	Overnight St. Louis	\$ 36.55					
						Car Rental	\$ 48.85

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ATTACHMENT II

"DIALOGUE WITH LITTON"
EXPENSES

September 28, 1975 to
March 22, 1976

MONTH	TOTAL EXPENSE	44% OF TOTAL EXPENSE
October	\$5,138.77	\$2,261.06
November	\$6,321.45	\$2,781.44
December	\$6,981.82	\$3,072.00
January	\$5,342.06	\$2,350.51
February	\$4,924.93	\$2,166.97
March	<u>\$9,372.13</u>	<u>\$4,123.74</u>
	\$38,081.16	\$16,755.72

ATTACHMENT III

<u>Date</u>	<u>Sponsor</u>	<u>People</u>	<u>Location</u>	<u>Total Receipts</u>	<u>Qualified Expenses</u>	<u>Net Honorarium</u>
1/8	Agriservices Foundation	Congressman	San Antonio, TX	805.47	165.00	640.47
1/9	Ohio Cattlemen's Association, Inc.	Congressman	Columbus, OH	102.73	146.00	- 43.27
1/10	Ark-La-Tex Agricultural Council	Congressman	Shreveport, LA	253.47	141.00	112.47
1/11	National Association of Animal Breeders	Congressman	Denver, CO	829.47	136.50	692.97
1/12	International Maine-Anjou Association	Congressman	Denver, CO	829.47	175.00	654.47
1/14	White Farm Equipment Company (film)	Congressman	Washington, D.C.	500.00	0	500.00
1/16	Farm and Industrial Equipment Institute	Congressman	Boca Raton, FL	674.73	174.73	500.00
1/17	Southeastern Aerial Applicators	Congressman	Ft. Walton Bch, FL	300.00	0	300.00
1/21	Mo Ag Industries Council, Inc.	Congressman	Tan-Tara, MO	140.71	140.71	0
1/24	Trojan Seed Company	Congressman, A.A., L.A.	St. Joseph, MO	1030.19	530.19	500.00
1/25	Mississippi Valley Farm Equipment Association	Congressman	St. Louis, MO	676.73	0	676.73
1/29	Southeastern Poultry and Egg Association	Congressman	Atlanta, GA	1150.73	150.73	1000.00
1/31	Deep South Farm and Power Equipment Assn.	Congressman, L.A. guest, wife	New Orleans, LA	725.88	545.88	180.00
2/3	Federal Land Bank Association	Congressman	St. Louis, MO	640.71	140.71	500.00
2/11	Spokane Chamber of Commerce-	Congressman, wife, Press Sec, P. Asst., L.A.	Spokane, WA	944.00	944.00	0
2/15	O. A. Cooper Company	Congressman, Press Sec, Press Asst.	Lincoln, NE	754.41	180.00	574.41
2/21	U. S. Feed Grains Council	Congressman, D.A., guest	Scottsdale, AZ	764.23	545.23	219.00
2/21	Barton County Farm Bureau	Congressman	Lamar, MO	61.73	61.73	0
2/22	Western Association	Congressman	Kansas City, MO	728.73	0	728.73
3/7	Southwestern Hardware and Implement Association	Congressman	Ft. Worth, TX	770.74	270.74	500.00
3/14	Southern Illinois University	Congressman	Carbondale, IL	800.00	252.00	548.00

<u>Date</u>	<u>Sponsor</u>	<u>People</u>	<u>Location</u>	<u>Total Receipts</u>	<u>Qualified Expenses</u>	<u>Net Honorarium</u>
3/20	National Pork Producers Council	Congressman	Kansas City, MO.	728.73	228.73	500.00
4/4	Federal Intermediate Credit Bank of Houston	Congressman	Houston, TX	770.74	270.74	500.00
4/6	Drury College	Congressman	Springfield, MO	100.00	0	100.00
4/25	The Missouri Bar	Congressman	Kansas City, MO	252.89	252.89	0
5/6	Delmarva Poultry Industry, Inc.- Congressman, Appt. Sec, Press Sec, Sec		Salisbury, MD	1246.40	246.40	1000.00
5/9	Missouri Life Underwriters Association	Congressman	Kansas City, MO	240.00	240.00	0
5/16	Warrensburg School District R-VI	Congressman	Warrensburg, MO	200.00	0	200.00
5/20	Marshall School System	Congressman	Marshall, MO	100.00	0	100.00
5/30	Columbia School District	Congressman	Columbia, MO	164.60	64.60	100.00
6/11	Missouri Young Bankers Conference	Congressman	Tan-Tara, MO	196.73	196.73	0
6/15	Martha Keys Congressional Forum	Congressman	Leavenworth, KA	240.00	240.00	0
6/21	The American Jersey Cattle Club	Congressman	Louisville, KY	652.00	152.00	500.00
6/21	Colorado Cattlemen's Association	Congressman	Montrose, CO	836.00	336.00	500.00
6/27	Florida Cattlemen's Association	Congressman	Orlando, FL	710.00	210.00	500.00
7/7	Minnesota Agriculture Education Summer Workshop	Congressman	Fargo, ND	574.00	274.00	300.00
8/4	1975 All-American Angus Breeders' Futurity	Congressman	Louisville, KY	646.00	146.00	500.00
8/6	Park College Commencement	Congressman	Kansas City, MO	70.00	70.00	0
8/22	Pineapple Growers Association of Hawaii	Congressman	San Francisco, CA	857.00	357.00	500.00
8/26	Allied Chemical	Congressman	Hollywood, FL	862.00	362.00	500.00

<u>DATE</u>	<u>SPONSOR</u>	<u>PEOPLE</u>	<u>LOCATION</u>	<u>TOTAL RECEIPTS</u>	<u>QUALIFIED EXPENSES</u>	<u>NET HONORARIUM</u>
9/20	16th Annual Farm Institute	Congressman	Maquoketa, IA	578.60	278.60	300.00
9/30	Great Lakes Southern Milk, Inc.	Congressman	Louisville, KY	152.00	152.00	-0-
10/13	Kentucky Association of Electric Cooperatives	Congressman	Louisville, KY	500.00	-0-	500.00*
10/24	North Carolina Agribusiness Council, Inc.	Congressman	Raleigh, NC	596.00	96.00	500.00*
10/28	American Feed Manufacturers Assoc., Inc.	Congressman	St. Louis, MO.	696.00	196.00	500.00**
11/10	Hawaiian Sugar Technologists	Congressman & Admin. Asst.	Honolulu, HI	1,962.36	1,962.36	-0-
11/25	Industrial Forestry Association	Congressman & L.A.	Portland, OR			***
11/30	Congressman Tom Harkin	Congressman	Creston, IA	182.50	182.50	-0-

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 RETURNED TO OFFICE

*Honorarium returned. (4/30/76)

**Honorarium & expenses returned. (4/9/76)

***Preparing revised bill for expenses of this trip, but no honorarium will be accepted

PRESTON, THORGRIMSON,
ELLIS, HOLMAN & FLETCHER
SUITE 201
1776 F STREET, N.W.
WASHINGTON, D.C. 20006

Mr. John G. Murphy
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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MAY 4 11:06

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SEATTLE, WASHINGTON 98101
206-623-7580

May 3, 1976

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: Litton Compliance Action

Dear Mr. Murphy:

Pursuant to our telephone conference of this date, I hereby request an additional fifteen (15) day extension of the dates for compliance with the Litton conciliation agreement. I have reviewed the material prepared for submission on this date and found it to be unsatisfactory. It is now apparent that a major overhaul of bookkeeping procedures will be required before I can verify to the Commission that the compliance material is accurate.

In addition to problems with bookkeeping procedures, the Litton accountants are in possession of his personal records in order to prepare his tax return. Moreover, the Litton campaign has retained accountants in Kansas City who are just now familiarizing themselves with appropriate books and records. Consequently, I must travel to Missouri to prepare an accurate response to the Commission's order.

This is to inform you, as well, that my inspection of Litton books and records is likely to reveal the necessity for amendments to all FECA reports filed by the Litton committee and by the Congressman himself. I intend to travel to Missouri this weekend and compile the appropriate reports shortly thereafter.

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7704010163

Mr. John G. Murphy, Jr.

- 2 -

The requested extension of time will not run counter to the philosophy of full disclosure, since enough time remains before the Missouri primary for the electorate to analyze the amended reports, even with the extension.

Very truly yours,



Robert Thomson
Counsel to Congressman Litton

RT/lmb

77010010164

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

SUITE 201

1776 F STREET, N.W.

WASHINGTON, D.C. 20006

Mr. John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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NOV 4 11:05

April 27, 1976

Robert N. Thomson, Esq.
Preston, Thorgrimson, Ellis,
Holman and Fletcher
1776 F Street, N. W.
Washington, D. C. 20006

Re: MUR 002 (75)

Dear Mr. Thomson:

This letter is in response to your communication dated April 21, 1976, in which you request a 10 day extension to file certain materials required by the Conciliation Agreement signed between the Federal Election Commission and Congressman Litton on March 22, 1976. I am authorized by the Commission to agree to such an extension. Accordingly, please file the materials in question on or before May 3, 1976.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

DSpiegel:mpc:4/26/76

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File

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2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

April 21, 1976

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 002 (75) Conciliation Agreement

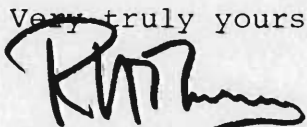
Dear Chairman Curtis:

On March 22, 1976, the Commission and Congressman Litton entered into a Conciliation Agreement that requires certain amended reports to be filed within 30 days. Congressman Litton hereby requests a ten (10) day extension of all such filing dates.

We have been having substantial difficulty arriving at cost figures for the Dialogue with Litton program. There have also been problems arriving at correct totals for travel and honoraria payments received by the Congressman. The Congressman has been out of town for much of the recess, so he has been unable to review the work papers we have prepared until very recently.

A 10-day extension of the filing dates will not be detrimental to any other candidate or the Commission itself and will insure that the amended reports, when filed, are accurate. The Missouri primary is not until August 3, so interested Missouri voters will have ample time to review the amended reports if the extension is granted.

Very truly yours,


Robert Thomson
Counsel to Congressman Litton

RT/lmb

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OFFICE OF GENERAL COUNSEL

RESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

SUITE 201

1776 F STREET, N. W.

WASHINGTON, D. C. 20006

David Spiegel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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7704010163
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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
Congressman Jerry Litton) MUR 002 (75)

COMMISSION ACTION

77910159
The Federal Election Commission has reviewed the matter concerning Congressman Litton and has concluded that it should be closed on the basis of the Conciliation Agreement dated March 22, 1976. The Federal Election Commission has accordingly voted, , to close the file.

Thomas B. Curtis
Chairman

Thomas Harris
Commissioner

Neil Staebler
Vice Chairman

Vernon Thomson
Commissioner

Joan D. Aikens
Commissioner

Robert O. Tiernan
Commissioner

DATE: _____

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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
) MUR 002 (75)
Congressman Jerry Litton)

CONCILIATION AGREEMENT

This matter was instituted by the Federal Election Commission (hereinafter FEC) on July 3, 1975, pursuant to allegations that Congressman Jerry Litton of the Sixth District of Missouri had begun a campaign for the Senate seat from the State of Missouri during the spring of 1975, but had failed to meet certain of the disclosure provisions of the Federal Election Campaign Act of 1971, as amended.

This agreement is entered into after conference and conciliation with Congressman Litton's representatives who cooperated fully with the FEC staff. The agreement shall in no manner be construed as an admission by Congressman Litton that he has violated any provision of the Federal election laws.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Beginning May 1, 1975, the costs of certain speaking engagements made by Congressman Litton in Missouri, outside of his Congressional district, shall be regarded as expenditures and shall be reportable as such. The Congressman agrees that after August 21, 1975, he will report the costs of all of his speaking engagements in Missouri according to the principles enumerated in Advisory Opinion 1975-13, published in 40 FR 36747. Within 30 days of the date this agreement is approved by the Commission, Congressman Litton will submit a list of the costs of all unreported speaking engagements affected by the terms set forth herein.

2. (a) The show, "Dialogue with Litton" was instituted on March 19, 1973, shortly after Congressman Litton's election to Congress, and serves to inform the Congressman's constituents of his legislative activities. However, the Commission has concluded that the show must also be construed as promoting the Congressman's Senatorial candidacy.

It is agreed that the costs of "Dialogue with Litton" which relate to the Congressman's Senatorial candidacy shall be reported as an expenditure between September 25, 1975 -- the date Congressman Litton registered as a candidate with the Secretary of the Senate -- and the date of this agreement. The costs shall be calculated according to the following formula:

TV and radio audience	
out of Litton's C.D.	
<u>but in Missouri</u>	x production costs of show = costs allocable
Total TV and radio	as expenditures
audience in Missouri	

Under this formula 44% of "Dialogue's" production costs must be reported as expenditures. A listing of the monthly costs of "Dialogue with Litton" between September 25, 1975 and the date of this agreement will be submitted to the Commission within 30 days.

(b) In an election year the proximity of the election overshadows the informative role of a show such as "Dialogue with Litton." Accordingly, all costs of the show are reportable as expenditures. However, in the present matter this provision will be applied only as of the date of this agreement.

(c) The Litton Senatorial Committee -- the duly authorized committee supporting the Congressman's Senatorial candidacy -- agrees to pay back the Sixth District Congressional Club ("the Club") for the percentage of costs assumed by it which are to be counted as expenditures. No donor to the Club prior to the date of this agreement will be deemed a contributor within the meaning of the Federal Election Campaign Laws, with respect to dues money which was used to pay for the costs of "Dialogue with Litton."

3. It is further agreed that the total of all honoraria received by Congressman Litton from January 1 to August 26, 1975, is \$14,583.98; that no single honorarium received by Congressman Litton during this period exceeded \$1,000. Within 30 days of the date of this Agreement Congressman Litton will supply to the Commission a listing of all honoraria received in 1975, after August 26, 1975. In the event that Congressman Litton has

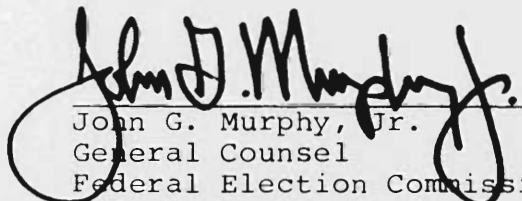
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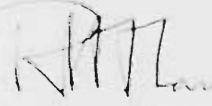
- 3 -

violated either of the separate limitations in 18 U.S.C. §616, subds. 1 and 2, he will return to the sponsoring party or parties all excesses received.

4. This agreement is executed in full satisfaction of all issues raised in this compliance action.

DATE:


John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463
Telephone: 382-5657


Robert N. Thomson
Attorney for Respondent
Preston, Thorgrimson, Ellis,
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22 March 70

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

CA-002-75

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March 4, 1976

Mr. John Murphy
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE CA 002-75

Dear Mr. Murphy:

After reviewing the staff report in the matter of Congressman Jerry Litton (CA 002-75), I find it is necessary to clarify several points. The Congressman has agreed to do whatever the Commission thinks he must do in order to comply fully with the FECA. However, he admits no substantive violations. We intend to preserve our rights with respect to every issue presented by this compliance action.

It was my understanding that this matter was to be presented as a consent decree. Unfortunately, there is language in the staff report that runs counter to that concept.

With reference to language on page 3, paragraph 3, we have not agreed that the costs of Dialogue should be allocated. However, if the FEC determines that such costs should be allocated, Congressman Litton will be happy to comply.

On page 4, paragraph 1, the report indicates that Congressman Litton is prepared to accept the 44% formula. As a matter of fact, Congressman Litton thinks the 44% formula is preposterous. Nevertheless, if the FEC feels that is the correct allocation, then the Congressman is willing to amend his reports accordingly.

On page 4, paragraph 3, the report indicates that the Congressman concedes he made candidacy-related expenditures on May 1, 1975. This is erroneous. The Congressman concedes that he made payments to determine whether he should be a Senate candidate on or after that date. If the FEC determines that such payments were "expenditures" within the Act's definitions, then the Congressman

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Mr. John Murphy

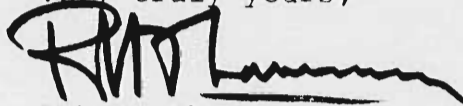
- 2 -

will be most willing to amend his reports accordingly.

With reference to page 5, paragraph 2, Congressman Litton feels the FEC has no business decreeing what staff may be taken on expense-paid honorarium engagements at any time - not just prior to August 21, 1975. However, if the FEC determines that the rule in A.O. 8 should apply after August 21, 1975, then the Congressman will adhere to that ruling.

I request that this letter of clarification appear in the Commission's file, along with the staff report in question, and be released to the public at any time the staff report is released.

Very truly yours,



Robert Thomson

RT/lmb

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AID: 07

Mr. John Murphy
General Counsel
Federal Election Commission
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FEDERAL ELECTION COMMISSION
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BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)

Congressman Jerry Litton)

CA 002-75

STAFF REPORT

I. Allegations

Pursuant to certain newspaper articles appearing in June 1975, allegations were brought to the Commission's attention indicating that Congressman Jerry Litton of the Sixth District of Missouri had begun a campaign for the Senate seat from the State of Missouri during the spring of 1975, but had failed to meet certain of the disclosure provisions of the Federal Election Campaign law.

Following notification of these allegations Congressman Litton indicated he would voluntarily grant Federal Election Commission (FEC) investigators access to all pertinent books and records. On September 8, 1975, an investigative team from the FEC began reviewing Congressman Litton's books and records. This review revealed the following disclosure problems:

1. A question as to whether expenditures incurred by Congressman Litton in connection with certain speaking engagements scheduled on and after May 1, 1975 were related to his Senate candidacy and therefore reportable.

2. A question as to what portion of the costs (if any) of a television show titled "Dialogue with Litton" featuring Congressman Litton and a series of prominent guests, were related to the Congressman's Senatorial candidacy.

3. Finally our investigation indicated that Congressman Litton might be in violation of the honorarium limitations set forth in 18 U.S.C. §616.

*This report approved at Exec. Session on 2-26-76
with minor word change (1st sentence).*

II. Analysis and Recommendations ^{1/}

A. Congressman Litton's Costs for Certain Speaking Engagements in Missouri.

Our investigation indicates that beginning May 1, 1975, Congressman Litton accepted a limited number of speaking engagements in Missouri outside of his Congressional District, with a view toward promoting his Senatorial candidacy. The costs of these engagements must be reported by Congressman Litton as an expenditure. (A listing of the engagements for May 1975 is found in Exhibit "1" of the appendix to this report.)

In addition, there is a question whether beginning August 21, 1975, the costs of all of Congressman Litton's speaking engagements are reportable as expenditures. On that date, in AO 1975-13 (published in 40 FR 36747), the Commission ruled that once an individual becomes a candidate "all speeches made before substantial numbers of persons are presumably for the purpose of enhancing his candidacy." Thus, it is clear that from the time Congressman Litton became a candidate he was covered by this rule. However, the precise date of Litton's candidacy (as the term is defined in 18 U.S.C. §591(b)) is presently in dispute (see Part B, infra).

B. Costs of "Dialogue with Litton"

Our investigation indicated that "Dialogue with Litton" is a monthly, 90 minute theatre-in-the-round type discussion between Congressman Litton and a selected guest, usually of national political prominence, about various issues of current, public affairs interest. The show -- or "meeting" as Congressman Litton characterizes it -- takes place in the Congressman's district before an audience that now averages about 1,000 persons

^{1/} The analysis and recommendations set forth herein take into account the United States Supreme Court decision in Buckley v. Valeo, 44 U.S.L.W. 4127 (S.C. January 30, 1976) striking down as unconstitutional the expenditure limitations in 18 U.S.C. §§608(a) and (c). Accordingly, the narrative, infra, focuses essentially on the disclosure impact of the two expenditure related problems revealed by the Commission's investigation of Congressman Litton.

All citations here to advisory opinions are made on the assumption that because of the Buckley ruling they have been accorded "de facto validity" (44 U.S.L.W. at 4170), they are therefore viable.

and always includes question and answer sessions with Congressman Litton and the guest. The costs of the show are paid for exclusively by a group called Sixth District Congressional Club, located in Congressman Litton's district. The show was first instituted on March 19, 1973, shortly after Congressman Litton's election to the House of Representatives. Television coverage was not added until March 1974. This coverage was initially local (3 television stations and 2 cable TV companies in June 1974), but has now expanded to include a substantial portion of Missouri. Present coverage includes a number of television and radio stations.

In view of these facts we believe that "Dialogue with Litton" can be reasonably characterized as serving two purposes: on the one hand, it is an informative forum through which Congressman Litton communicates with his constituents; on the other hand, it is a promotional device linked to the Congressman's Senatorial candidacy. The costs of "Dialogue" which are related to its informative role are not candidacy-related and do not count as expenditures within the meaning of 2 U.S.C. §431(f) or 18 U.S.C. §591(f); however, the costs of the show which are related to Congressman Litton's Senatorial candidacy must all be deemed expenditures.

The preceding propositions were discussed with counsel for Congressman Litton and a general agreement was reached that the costs of the show should be allocated as an expenditure according to a formula which would calculate the percentage of viewing and listening population outside Congressman Litton's district which is reached by the show. We proposed that the following formula be used:

TV and radio audience
out of Litton's C.D.
(but in Missouri)
Total TV and radio
audience in Missouri

x production costs of show $\frac{2}{\text{Total TV and radio audience in Missouri}}$ = costs allocable as expenditures

- 2/ These costs exclude payments by Congressman Litton in 1975 for "recording services furnished to him by the House Recording Studio." Such costs are exempted by 2 U.S.C. §434(d) from the limitations of the FECA, except "during the calendar year in which the Member's term expires." In addition, costs for meeting announcements, in-district advertising for the show, and membership cards and badges for individuals in the Sixth District Congressional Club could be excluded since such costs are directed solely to getting persons in Congressman Litton's district to attend the meeting from which "Dialogue" is taped.

Substituting the appropriate figures in this formula results in a determination that 44% of the show's production costs are allocable as candidacy-related expenditures. (See Exhibits "2-5", appended hereto.) Congressman Litton has now indicated that he is prepared to accept this formula.

In a year in which an election is held we believe that all the costs of "Dialogue" must be counted as an expenditure. During this period, the proximity of the election colors the informational purpose of the show. Thus, even within Congressman Litton's district the show plainly serves to enhance his candidacy. This issue is being discussed with counsel for Congressman Litton and agreement may be possible.

An outstanding issue remains as to the date on which expenditures for "Dialogue" should first be reported. Congressman Litton has argued that this should be no earlier than September 25, 1975 -- the date he registered as a Senatorial candidate with the Secretary of the Senate. However, because the Congressman concedes that he made a candidacy-related expenditure on May 1, 1975, this raises the question of whether May 1 should be considered as the inception date for all campaign-related costs, including those made for "Dialogue."

C. Honorariums

Our investigation indicated that on several occasions in 1975 Congressman Litton traveled to specific areas to deliver honoraria speeches and in each case collected reimbursement from the sponsoring group for roundtrip travel and accommodation expenses, not only for himself and his wife, but for various staff members and their wives, who accompanied him. (See Exhibit "6", appended hereto, for examples of these reimbursements.) In view of the limitations on honorariums in 18 U.S.C. §616, subds. 1 and 2, and in view of Congressman Litton's extensive speaking schedule, it is obviously important to determine which expense reimbursements are part of an honorarium and which are not.

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In AO 1975-8, appearing in 40 FR 36747 on August 21, 1975, the Commission ruled that only travel and accommodation expenses paid on behalf of the Federal official actually delivering the honorarium speech would be exempted from the limitations of 18 U.S.C. §616, subd. 1. Under the ruling it would appear that after August 21, 1975, only reimbursements for travel and accommodations made to Congressman Litton himself, would be exempt under §616(1). The Commission may wish to re-examine this ruling to determine whether it is not overly restrictive.

With regard to expenses made prior to the date of AO 1975-8, Congressman Litton would interpret the exemption in 18 U.S.C. §616, subd. 1, as applying not only to his own travel and subsistence, but also to that of his aides and to his immediate family. These persons would be a functional part of the Congressman's travel entourage and their travel and subsistence costs would in a sense be part of his costs. We believe that this approach is a reasonable one. The question of how many persons in Litton's entourage would be exempt under §616(1) is presently under discussion.

III. Recommendations

In view of Congressman Litton's manifest cooperativeness in the investigation herein and the thoughtful, reasonable tone of the ongoing negotiations, we believe this matter can be fully settled by a conciliation agreement. We seek a directive from the Commission to obtain such an agreement which would then be subject to final Commission action.

Orlando B. Potter

Orlando B. Potter
Staff Director

John G. Murphy, Jr.
General Counsel

DATE: Feb. 25, 1976

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APPENDIX

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EXHIBIT I

EXPENDITURES CONCERNING SPEECHES OUT-OF-DISTRICT IN MAY, 1975

<u>Travel Item No.</u>	<u>Air Fares</u>	<u>Accomodations and Meals</u>	<u>Totals</u>
(May) 55	\$ 98.37	\$ 32.00	-
59	28.37	16.48	-
60	98.37	-	-
62	11.50	10.40	-
68	36.35	75.38 33.24	-
70	<u>120.37</u>	<u> </u>	<u> </u>
Amounts Reported	64.72	123.86	188.58
Totals	<u>\$393.33</u>	<u>\$167.50</u>	<u>\$560.83</u>

EXPENSES CONCERNING THE PRODUCTION OF "DIALOGUE WITH LITTON"

	<u>May</u>	<u>June</u>	<u>July</u>
<u>I. Television Production Costs</u>			
1. Tape Purchases, Director's Fees, shipping exp., etc.	\$1,150	\$2,150	\$ 683
2. House Recording Studio	1,226	862	1,069
3. Television Time Expense	638	622	600
	<u>3,014</u>	<u>3,634</u>	<u>2,352</u>
<u>II. Meeting Costs</u>			
1. Travel: JL & Guests	\$ 396	\$ 34	\$ 947
2. Music Expense	400	400	400
3. Meeting Announcement Exp.	23	196	95
4. In-District Advertising	605	609	600*
5. Membership Cards & Badges	<u>26</u>	<u>465</u>	<u>- 0 -</u>
	\$1,450	\$1,704	\$2,042
	<u>\$4,464</u>	<u>\$5,338</u>	<u>\$4,394</u>
<u>Less Non-Allocable Expenses</u>			
I. 2. House Recording Studio Fees Exempted in Sect. 434d.	\$1,226	\$ 862	\$1,069
II. 3. Meeting Announcement Exp.	23	196	95
4. In-District Advertising	605	609	600*
5. Membership Cards and Badges (Note 3,4,5 are construed to be solely in-district and constituent expenses)	26	465	- 0 -
	<u>\$2,584</u>	<u>\$3,206</u>	<u>\$2,630</u>
TOTAL ALLOCABLE EXPENSES	\$2,584	\$3,206	\$2,630

Upon request, Mr. Littton's staff obtained the television viewing from each of the stations carrying the Dialogue. We were able to perform the following breakdown separating viewers by the relative percentages into 1) in-district viewers, 2) out-of-district viewers, and 3) out-of-state viewers. Note that geographically, "Dialogue with Litton" may be seen in over two-thirds of Missouri.

VIEWER FIGURES FOR
TV STATIONS CARRYING DIALOGUE WITH LITTON

<u>TV Stations</u>	<u>Total Viewers</u>	<u>Missouri 6th C.D.</u>	<u>Missouri Non 6th C.D.</u>	<u>Out-of State</u>
KBMA Kansas City	60,000	10,500	29,100	20,400
KOMU Columbia	40,000	,200	38,800	
KHQA Hannible-Quincy	18,000		6,300	11,700
KQTV St. Joseph	68,000	68,000		
CKTVO Kirkville-Ottumwa	47,000	7,050	7,050	32,900
TV Springfield	22,000		18,700	3,300
TV Joplin	4,000		1,620	2,380
Cable St. Joseph	15,000	15,000		
Cable Maryville	4,000	4,000		
Cable Platte County	2,800	2,800		
	280,800	108,550	101,570	70,680
	(100%)	(39%)	(36%)	(25%)

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NON-CD6 MISSOURI LISTENERS OF VOTING AGE

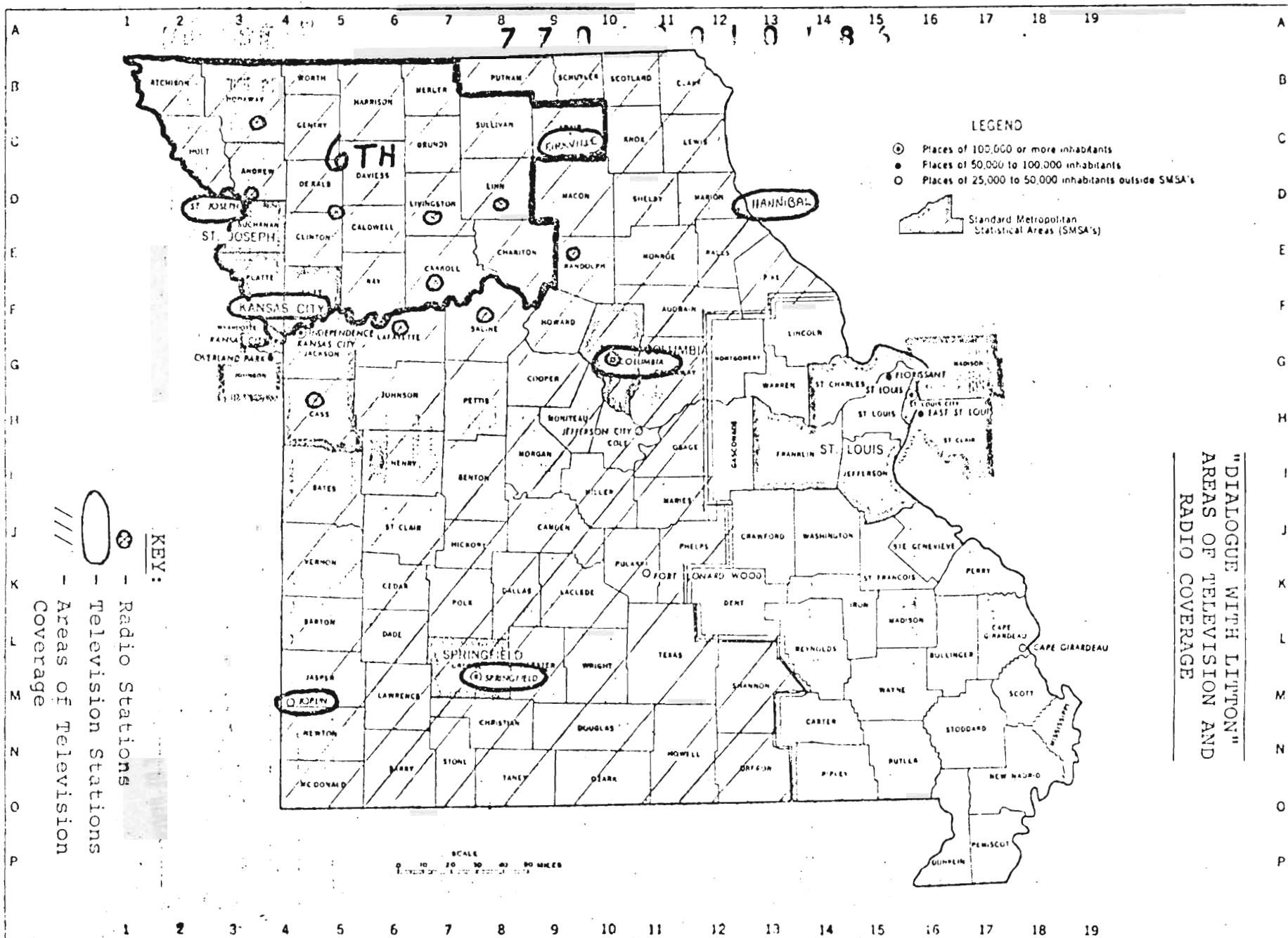
Total Listeners

KHGM	Brookfield	10,000 (Est. from Carrolton) 500w
KMRN	Cameron	100,000
KAOL	Carrolton	10,000
KGHI	Chillicothe	9,000
KTGR	Columbia	25,000
KCFV	Ferguson	500 (10w education station (Est.))
KHMO	Hannibal	0 (Do not broadcast - E.T.)
KIEE	Harrisonville	25,000
WDAF-KYYS	Kansas City	0 (Do not broadcast)
KCUR-FM	Kansas City	0 (Do not broadcast)
KLEX-KBEK	Lexington	8,000
KMMO-KMFL	Marshall	16,500
KXCU	Maryville	2,500
KWIX	Moberly	16,500 (Est. from Marshall) 1000w.
KGSP	Parkville	2,000
KKJO	St. Joseph	3,000
KMA	Shenendoah, Iowa	0 (Only news coverage)
KSMW	Warrensburg	0 (Only news coverage)

TOTAL RADIO LISTENERS = 228,000

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Counties, Standard Metropolitan Statistical Areas, and Selected Places



CONGRESSMAN LITTON'S TRAVEL EXPENSE REIMBURSEMENTS FOR CERTAIN HONORARIA TRIPS

<u>January - May, 1975</u>	<u>Expense Reimbursement Received</u>	<u>Traceable Expenses</u>
1/24 Trojan Seed Co.	\$ 530.16	\$ -
DC-KC (JL & # Staff)	-	353.48
Motor Inn (JL)	-	23.17
Plaza Inn (JL & 3 Staff)	-	118.40
1-31 Deep South Farm & Power Equipment Assn. (New Orleans)	725.88	-
DC-Atlanta (JL & Staff & Staff wife)	-	175.08
Atl-New Orleans (JL & Staff & Staff Wife)	-	145.08
New Orleans-Atl (JL & Staff & Staff Wife)	-	145.08
Atl-DC (JL & Staff & Staff Wife)	-	175.08
2-11 Spokane Chamber of Commerce (WA)	944.00	
DC-Denver-Spokane-Columbia, MO (JL & Staff)		
(These figures could not be itemized from information given)		
2-20 U.S. Feed Grains Council (AZ)	764.23	-
DC-Chicago-Phoenix (JL)	-	239.72
KC-Phoenix (Staff & Relative)	-	190.72
Phoenix-KC	-	124.36
Las Vegas (They paid only a Phoenix-KC air fare)	-	264.72

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February 10, 1976

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John G. Murphy, Jr.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Murphy:

The following is a proposal to settle major issues in the Litton compliance action, including that concerning the Dialogue with Litton program. The approach has the general approval of Congressman Litton.

The Dialogue with Litton show should be viewed as a joint venture, conducted by the Dialogue Committee and the Litton Senate Committee. The Dialogue Committee will pay for that portion of the program cost related to the Congressman's function of communicating with his constituents in the sixth district. The Senate Committee will pay for that portion of the program cost deemed to be related to the Congressman's Senate campaign. The allocation formula already devised by FEC staff would determine the amounts to be paid by each committee.

Under current law, the Dialogue Committee will continue to be considered a group organized to help the Congressman communicate with his constituents, and not a political committee. Donations to the Dialogue Committee will not be considered "contributions" and disbursements will not be deemed "expenditures". However, the Congressman recognizes that the Dialogue Committee may become subject to FECA reporting requirements and contribution limits when the proposed office account regulation is approved by Congress.

Of course, contributions to and expenditures by the Senate Committee will be subject to FECA requirements. Senate

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John G. Murphy, Jr.
Page 2
February 10, 1976

Committee Dialogue expenditures will be made directly to suppliers of goods and services, so the FECA itemization requirements can be met.

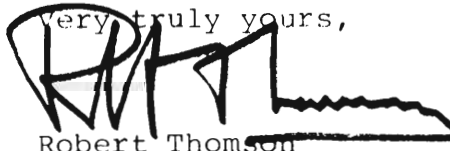
With respect to Dialogue programs prior to the date of settlement of this compliance action, but occurring after September 26, 1975, (the inception of formal candidacy), the Litton Senate Committee will repay the Dialogue Committee an allocated portion of its costs, such allocation to be based on the FEC staff formula designating a percentage of those costs as related to the Litton Senate candidacy. The disbursement will be reported by the Senate Committee, as required by 2 U.S.C. §434.

Under no circumstances, however, should previous Dialogue donors be retroactively deemed campaign contributors. These donors had no idea they would be considered supporters of a Litton Senate candidacy by virtue of their donations to the Dialogue Committee. Some of them support the concept of Dialogue, but do not support the Litton Senate candidacy.

I believe this proposal should be acceptable to the Commission, since it recognizes the major principle staff was intent on establishing in the context of this compliance action. Where a House member seeks a Senate seat, a program like Dialogue will be deemed partially campaign-related when it influences state voters residing out of the member's district.

On the question of honorariums, the Congressman still asserts that payments for all staff travel in connection with an honorarium event should be exempted from the honorarium limits as "actual travel" expenses. In the event the Commission rules otherwise, the Congressman would like a list from A.I.D. noting which payments are deemed to be in violation of 18 U.S.C. §616. The Congressman has yet to receive such a list. Appropriate reimbursements will then be made.

Very truly yours,



Robert Thomson

RT/rmm

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PRESTON. THORGRIMSON. ELLIS. HOLMAN & FLETCHER

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John G. Murphy, Jr.
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OFFICE OF GENERAL COUNSEL

5th Floor

7790430100191

BEFORE THE FEDERAL ELECTION COMMISSION

76 JAN 22 A10:50

IN THE MATTER OF CONGRESSMAN)	CA 002-75
)	RESPONSE TO THE REPORT
JERRY LITTON)	OF THE OFFICE OF DIS-
)	CLOSURE AND COMPLIANCE
)	AND THE OFFICE OF GENERAL
)	COUNSEL BY CONGRESSMAN
)	JERRY LITTON

I. BACKGROUND

7701010192

This response to the report of the Office of Disclosure and Compliance and the Office of General Counsel ("Staff Report") is filed in connection with an investigation initiated by the Federal Election Commission. The investigation initially focused on the question of when Congressman Jerry Litton began making expenditures with respect to a candidacy for the United States Senate, but staff has now broadened the scope of the investigation to include the receipt of honorariums by Congressman Litton and the Congressman's communications with his constituents through the medium of the Dialogue with Litton television and radio program ("Dialogue").

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The matter was initiated by a letter from Mr. Gordon Andrew McKay, Assistant Staff Director for Disclosure and Compliance to Congressman Litton, dated July 3, 1975. Exhibit 1. The letter cited a June 22nd newspaper article quoting the Congressman, and noted that the Congressman apparently had misinformation as to the general standards of candidacy found in the

Federal Election Campaign Act ("FECA"). The letter did not give any indication that Congressman Litton was to be the subject of an investigation, nor did the letter contain any allegations from complainants or the Commission itself that Congressman Litton was in violation of the FECA.

On August 18, 1975 Congressman Litton's Administrative Assistant, Mr. John Ashford and counsel, met with Mr. Stephen Schachman, Deputy Assistant General Counsel for Litigation. At that meeting, Mr. Schachman orally indicated that Congressman Litton would be the subject of an investigation. Although no written notice of a possible violation was received by Congressman Litton, Mr. Schachman indicated at the August 18th meeting that the Commission was concerned about certain travel expenses incurred by Congressman Litton, although the investigation was not to be limited in any way.

By letter of August 18th, Congressman Litton indicated he would voluntarily grant FEC investigators access to all books and records. Exhibit 2. On September 8th, a team from the FEC's Audit and Investigation Division began reviewing Congressman Litton's books and records in his office.

On September 29th counsel for Congressman Litton addressed a letter to Mr. Schachman containing a trip-by-trip itemization of Congressman Litton's 1975 travel and comments on the various issues that were presented by the investigation.

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Exhibit 3. Following that, a period of negotiation ensued in which it became apparent that the FEC staff had isolated three areas of concern, Litton Travel, Litton Honorariums, and Dialogue with Litton.

During negotiations, some consensus was reached with respect to the first two issues, but it is not possible to characterize that consensus as an agreement. With the respect to the issue of Dialogue with Litton, no agreement was reached. In the letter of September 29th, counsel for Congressman Litton submitted a suggested allocation formula to be used if the Commission insisted on allocating a portion of the Dialogue expenditures to a prospective Senate candidacy. Commission staff rejected the proposed allocation formula and orally proposed an alternative formula of its own. That formula is unacceptable.

Since it appeared agreement on the issues presented by the investigation was not forthcoming, Congressman Litton, through counsel, requested a hearing on this matter by letter dated December 9th. Exhibit 5. Shortly thereafter, Chairman Thomas B. Curtis responded for the Commission noting that Commission staff was to prepare the staff report in question here and noting that Congressman Litton would have an opportunity to submit a written response to the report. Exhibit 6.

II. THE ISSUE OF CANDIDACY

The question of when Congressman Litton became a candidate for the U.S. Senate was apparently the issue that ignited

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this investigation of Litton expenditures. In Mr. McKay's letter of July 3, 1975, reference is made to "certain published and broadcast statements" by the Congressman allegedly misinterpreting FECA standards of candidacy. Moreover, staff has made the technical inception of a Litton Senate candidacy the lynch pin of its analysis and recommendations with respect to all major issues in this compliance action.

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Upon staff's request, counsel for Congressman Litton made available on September 21 an itemized list of travel items that occurred during the second calendar quarter of 1975. That list included all trips by Congressman Litton outside of Washington, D.C. during that period. Certain of those travel items were designated as having been made by Congressman Litton to explore the possibility of alternative state and federal candidacies. Exhibit 3, p. 2.

In the first paragraph of the September 29 letter, counsel states,

"As you know, Congressman Litton does not consider himself a candidate for the U.S. Senate. However, some expenditures were made from the Congressman's personal funds during the second quarter to determine if he should become a candidate. Should you determine these expenditures are reportable under the FECA, they will be included on the third quarter Report of Receipts and Expenditures filed by the Missourians for Litton committee, a political committee registered....on September 26, 1975." Emphasis supplied.

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Again, on page 2, counsel states, "If you determine it is necessary, the Missourians for Litton Committee will report certain second quarter expenditures...." emphasis supplied.

It is apparent from these passages that Counsel was asking for a Commission determination of the impact of certain payments made to determine which of several alternative candidacies the Congressman should pursue.

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Staff has recommended that certain travel items during the second quarter be deemed campaign-related, Staff Rept., p. 12. That may be a reasonable conclusion with respect to those travel items. However, the staff draft goes much further. It suggests that these de minimus "expenditures" should not only trigger the technical definition of candidacy under the Act, but should also retroactively subject the Congressman to the full range of statutory and regulatory obligations that normally flow from the knowing inception of candidacy.

Staff alleges that all travel (with minor exceptions) outside the Congressman's district should be deemed campaign-related as of May 1. Staff Rept., p. 12-13. Staff further contends that the harsh provisions of A.O. 1975-13, 40 Fed. Reg. 36747 (Aug. 21, 1975) should also apply to the Congressman's honorarium speeches, simply by virtue of these exploratory expenditures. Staff considers these exploratory expenditures to

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welcomed the Commission investigation as an opportunity for the Commission to provide for the first time substantial guidance on the difficult question of "when candidacy begins." As the Congressman stated in his letter of August 18, 1975, "I believe the resolving of these specific issues will do much to inform other potential candidates and enable them to know the Commission's interpretation of the Act and comply with it." Exhibit 2, pp. 3 and 4.

It is apparent the Commission has before it a matter of first impression, calling for a judgment of the impact under the FECA of exploratory payments of a de minimus nature made by an incumbent Congressman who was considering several alternative candidacies, one of which was for a state office. On numerous occasions, the Commission has stated that where the express provisions of the FECA do not clearly foreordain an FEC conclusion regarding an application of the Act, that conclusion should not be applied retroactively. See, A.O. 1975-11, 40 Fed. Reg. 42839 (Sept. 16, 1975); A.O. 1975-68, 40 Fed. Reg. 55601 (Nov. 28, 1975). That rule should apply in the instant case.

Staff has recommended that Congressman Litton be deemed a candidate as of May 1, 1975. Staff Rept., p. 12. This recommendation should be accepted by the Commission only insofar as it would lead to a reporting of the exploratory payments made during the second calendar quarter.

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However, the Commission should apply the broad statutory and regulatory requirements that normally flow from a knowing inception of candidacy prospectively only from September 26, 1975, the date the Congressman registered the Missourians for Litton Committee and authorized that committee to receive contributions and make expenditures with respect to a possible Senate candidacy. On or about that date, the Congressman determined that he would probably be a Senate candidate and expenditures thereafter could fairly be attributed to his expenditure limit under 18 U.S.C. §608(c). Litton Affidavit, ¶3.

In the context of the Litton compliance action the Commission may well determine that in the future, the type of exploratory payments made by Congressman Litton are "expenditures" under the Act. All who are involved with the campaign laws would welcome such guidance. Nevertheless, such a novel interpretation should not be applied retroactively in the instant case.

III. DIALOGUE WITH LITTON

The major area of concern from the inception of this investigation has been the Dialogue with Litton program. The nature of the program is fully described in Congressman Litton's affidavit and counsel's letter of September 29.

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A. Free Public Discussion of Political Issues

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Application of the FECA to Dialogue with Litton rests on the determination that some of its costs represent an "expenditure made for the purpose of influencing..." the nomination

In United States v. National Committee for Impeachment ("Impeachment Committee"), supra, the Second Circuit was faced with an application of the FECA disclosure provisions to an advertisement by an organization advocating the impeachment of President Richard M. Nixon. The court indicated that the legislative history of the 1971 Act gave no guidance with respect to the meaning of the purpose test. Finding no Congressional guideline, the Court concluded that the test must be narrowly construed so as to avoid raising "serious constitutional issues." Id at 1139, 1140. The Court fashioned a two-part test for determining the proper application of the purpose of the test.

First, there must be an expenditure [or contribution] made with authorization, consent, or under the control of the candidate. Second, the major purpose of soliciting contributions or making expenditures must be the nomination or election of candidates. Id at 1140.

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The Impeachment Committee analysis has been followed by the District of Columbia Circuit in its decisions in two similar cases, ACLU v. Jennings, supra, and Buckley v. Valeo, supra. Under the Impeachment Committee test, costs of Dialogue do not constitute an "expenditure" for the purpose of nominating or electing a candidate to federal office. Admittedly, there is authorization of the expenditures of Dialogue production costs by Congressman Litton. The first part of the Impeachment Committee standard is satisfied.

However, the major purpose of Dialogue with Litton is not the influencing of the nomination or election of Congressman Litton to Federal office. The major purpose of Dialogue is now, and has always been, to provide current information on public issues to the voters of the Sixth District of Missouri.

The staff has erred in its conclusion that the FECA is applicable to Dialogue with Litton. The face of the Act itself, as well as its judicial interpretation, argues that it was not intended to reach communications between members of Congress and their constituents. For example, franked newsletter mailings are specifically excepted from coverage in 39 U.S.C. §3210. The value of services of the Congressional recording studios are exempted from the reporting requirements of 2 U.S.C. §434, except in the year immediately preceeding the Member's re-election. Congress specifically intended "to separate activities designed to win elections from activities designed to

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Senate candidacy, other than the assertion that Dialogue excerpts may be used in political advertisements in the future. If such excerpts are used, they will be purchased from the Dialogue Committee by the Litton campaign fund. Similar purchases of photographs and film footage by incumbent candidates is common.

Staff makes much of the fact that Dialogue is broadcast by stations "strategically located on the fringes of the (Sixth Congressional) district." Staff Rept., p. 19 (emphasis supplied). Once again, the implications of such a choice of words are unacceptable. The record indicates that in order to cover his entire constituency, Congressman Litton must have access to broadcasting stations on the fringes of his district. To suggest that the Congressman, as a matter of strategy for his Senate campaign, chose the fringe stations to air the Dialogue program is unfair.

The staff report further distorts the purpose of Dialogue by confusing the terms "purpose" and "effect." The Impeachment Committee test clearly states that it is the major purpose of the communication that permits application of the Act. Impeachment Committee, supra at 1140. The Act may be applied only to "committees soliciting contributions or making expenditures, the major purpose of which is the nomination or election of candidates." Id.

Staff's analysis, on the other hand, focuses on the effect of Dialogue within the Sixth District and outside the

district in areas unavoidably reached by the fringe stations. Staff concludes that outside the district, "the show, like a campaign circular, acts primarily as an advertisement of Congressman Litton's Senate candidacy by presenting him as an articulate man who is doing his job well, and is liked and respected by important government officials." Staff Rept., p. 18. This may be the effect of the show on out-of-district listeners or viewers, but such a consideration is only peripherally relevant to the purpose test established by 18 U.S.C. 591(f) and the Court of Appeals in the Impeachment Committee case. The major purpose of Dialogue does not change solely because the program is broadcast incidentally across a geographical boundary.

Nothing in this record would lead to a conclusion that the major purpose of Dialogue is other than to communicate with Congressman Litton's constituents. Staff's conclusions threaten to lead the Commission beyond the constitutional boundaries of the Act into the protected area of First Amendment expression. The recommended application of the FECA is impermissibly broad and should be rejected by the Commission.

B. Freedom of the Press

Staff recommends that a portion of the cost of producing the Dialogue program for radio and television broadcasting be subject to the FECA expenditure limits in 18 U.S.C. §608(c). Such a limitation would constitute an unconstitutional interference with the right of Congressman Litton and the members

Congress has recognized that the constitutional right of maximum access to the media is of paramount public importance. The "Equal Time" provisions of the Communications Act of 1934 allow legally qualified candidates equal opportunities to use a broadcasting station when the station has afforded the use of its facilities to other such candidates. 47 U.S.C. §315(a). The "Fairness Doctrine" requires that broadcasting stations provide "reasonable opportunity for the discussion of conflicting views on issues of public importance." Id. Legally qualified candidates must be given access to broadcasting facilities at the station's lowest unit charge during time periods prior to an election and at rates comparable to that charged other users at other times. 47 U.S.C. §315(b). A station's broadcasting license may be revoked if it fails to allow "reasonable access" to its facilities by legally qualified federal candidates. 47 U.S.C. §312(a).

The Supreme Court has also placed a premium on access to the airwaves, concluding that, "it is the purpose of the First Amendment to preserve an uninhibited market place of ideas in

and candidates. 47
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which truth will ultimately prevail." Red Lion Broadcasting Co. v. F.C.C., supra, at 390. Only in special circumstances has the Court countenanced a restriction on the right of the public to have access to broadcasting services, e.g., Columbia Broadcasting System v. Democratic National Committee, 412 U.S. 290 (1973).

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The FECA itself has not been invulnerable to constitutional attack on the grounds that spending limitations restrict the rights of the public under the First Amendment. An important aspect of the media expenditure limit in Title I of the 1971 Act (the certification requirement) was ruled unconstitutional. ACLU v. Jennings, supra at 1051.

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Courts have found that restrictions on access to First Amendment freedom of expression may be unconstitutional due to the "chilling effect" of government regulation that falls short of a direct prohibition of First Amendment rights. Laird v. Tatum, 408 U.S. 1, 11 (1972); Baird v. State Bar of Arizona, 401 U.S. 1 (1971); Keyishian v. Board of Regents, 385 U.S. 589 (1967); Lamont v. Postmaster General, 381 U.S. 301 (1965).

In the instant case, application of the FECA limits to Dialogue, a program whose major purpose is not to influence Federal elections, would have a "chilling effect" on Congressman Litton's access to the airwaves for the purpose of communicating with his constituents and on the public right to

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Such regulation would make the Congressman a "candidate" under the FECA simply by virtue of producing Dialogue, since such broadcasts would be deemed "expenditures" under the Act. Most importantly, it would discourage broadcasters from carrying the program because of the "Equal Time" implications. There is no question that staff's recommendation would severely curtail Dialogue and could well destroy the program altogether. Litton Affidavit, ¶16.

is lacking.

The compelling interest in this case is the purity of the electoral process as protected by the FECA expenditure ceilings. Congress has concluded that spending in Federal election campaigns, such as the Missouri Senate race, should be limited. But here any effect on the Senate race is merely incidental to the purpose of Dialogue, which is to bring the residents of Missouri's Sixth Congressional District closer to government officials and political figures who profoundly influence their daily lives. Staff itself recognizes that the program is non-partisan in nature. No appeal for support, financial or otherwise, is made on behalf of Congressman Litton or any other candidate or party. Staff Rept., p. 10. Non-residents of the Sixth District only have access to the program because there are few radio and television stations in that largely rural area and fringe stations must be used to reach all district residents.

Staff is no doubt concerned that continued exposure of Congressman Litton in any capacity to potential voters in the Missouri Senate primary will act to the detriment of his primary opponents (Staff Rept., pp. 18-19). However, the interests of Congressman Litton's opponents are already well-protected by the Equal Time laws. Once Congressman Litton becomes a legally qualified candidate for the U.S. Senate, his legally qualified opponents may request equal access to any broadcasting station that allows Congressman Litton to use its facilities.

47 U.S.C. §315(a).

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It is not necessary for the Commission to embark on the dangerous course of regulating programs like Dialogue when another Federal agency, the Federal Communications Commission, already has the statutory authority and expertise sufficient to protect the rights of all candidates involved. Is it really necessary for the Federal Election Commission to broaden the application of a statute which is already under serious constitutional attack when another body of law has been found constitutionally effective in accomplishing the same end? We think not, and we urge the Commission to reject staff recommendations to the contrary.

C. Section 437a

Section 437(a) of the FECA, directed at persons... broadcasting to the public any material referring to a candidate, advocating the election or defeat of such candidate,...or setting forth the candidate's position on any public issue has been held unconstitutional by the United States Court of Appeals in Buckley v. Valeo, supra at 1559.

The Court found Section 437(a) unconstitutionally broad on its face because of the danger that "it may undertake to compel disclosure by groups that do no more than discuss issues of public interest on a wholly non-partisan basis." Id. at 1553. Dismissing the likelihood that such discussion threatened the purity of the Federal election process, the Court based its

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holding on the overriding importance which such discussion has to a democratic society founded on the discussion of public issues "vital and indispensable to a free society and an informed electorate." *Id.*

Dialogue with Litton is a television and radio program which provides information on public issues to the voters of Missouri's Sixth Congressional District. The program's format is nonpartisan, attempting to present both sides of all issues and including guest speakers of all political persuasions. The purpose of the program is to promote constituent understanding of national issues and Congressional affairs.

Staff's suggestion that an allocated portion of Dialogue expenses must be deemed "expenditures" under the FECA could result in the compelled disclosure of Dialogue's sponsoring organization, the Sixth District Congressional Club.

In Buckley v. Valeo, supra, the Court ruled the Commission could not directly compel disclosure of "groups seeking only to advance discussion of public issues." *Id.* at 1553. The Sixth District Congressional Club is such an organization. Nevertheless, the staff is suggesting that the Commission could indirectly compel such disclosure by deeming certain of Dialogue's expenditures to be campaign-related. If such expenditures exceed \$1,000 in a calendar year, the Dialogue committee could be forced to report as a political committee. 2 U.S.C. §433. It is a

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settled principle of law that the federal government cannot regulate indirectly that which it cannot regulate directly.

It appears such disclosure could only be avoided by having the Litton campaign fund repay the "expenditures" made by Dialogue. However, such a requirement would be burdensome and offensive to the spirit of Buckley v. Valeo. The Dialogue committee, which pays the production costs of this nonpartisan public information broadcast, is outside the constitutionally-permissible scope of the Act. The Committee belongs to that class of organizations which the D.C. Circuit Court sought to protect by striking down as unconstitutional, the disclosure provisions of §437 of the FECA.

D. Candidacy and Dialogue

Staff has suggested that a portion of Dialogue should be allocated as a Senate campaign expenditure as of May 1, 1975, the alleged inception of Congressman Litton's Senate campaign. There is no basis in the statute for assuming that the nature of Dialogue changes once the Congressman's Senate candidacy began.

Before and after May 1, 1975, the purpose of Dialogue was not to influence the result of a federal election. Nor does the Congressman's obligation to communicate with his Sixth District constituents terminate solely because he becomes a candidate for statewide office. Any incidental effect on Dialogue

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on the Senate campaign should not prompt the Commission to cripple a program that has been successful in involving Sixth District residents in their government.

In A.O. 1975-107, 40 Fed. Reg. 60165 (Dec. 31, 1975), the Commission has concluded that a "newsletter of the air" produced on one-time basis by Representative Edward P. Beard was not campaign-related. Like Dialogue, the Beard program was seen on television throughout the Congressman's district and in other areas as well. Like Dialogue, the Beard program was a review of the problems that face the Congressman's district and involved a discussion of major areas of national concern. Like Congressman Litton, Congressman Beard was not a candidate for reelection in his House district at the time the program was shown. Both programs were shown during non-election years.

The major difference between the Beard program and that of Dialogue is that Congressman Litton had made expenditures of a de minimus nature to determine whether he should be a Gubernatorial, Congressional or Senatorial candidate prior to certain Dialogue broadcasts. Staff has concluded that by virtue of these expenditures Litton became a candidate for the Senate and 44 percent of the costs of producing the program suddenly became subject to FECA limitation.

This is an absurd result that the Commission should reject. The right of a Congressman to communicate with his constituents should not be subject to such arbitrary determinations.

Advisory Opinion 1975-107 should be modified to broaden the scope of allowable constituent communication, and its implications should not be followed in the Litton compliance action.

IV. LITTON TRAVEL

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The record shows that Congressman Litton made certain payments as early as May 1, 1975 to determine whether or not he should be a candidate for state or federal office. Such payments were made from the Congressman's own pocket and were not made from funds contributed to the Congressman. Litton Affidavit, ¶2. Such specific travel items are detailed in Exhibit 3. We believe these expenditures will not be in excess of \$1,000 for the months prior to September 26, 1975.

Our understanding of staff's proposed treatment of these travel expenditures is as reflected in counsel's letter of December 9. Exhibit 5.

However, as we indicate above, a Commission determination that exploratory payments of this nature should not be retroactively applied to subject Congressman Litton to the full range of statutory and regulatory obligations that normally flow from a determination that candidacy has commenced. These obligations should only be imposed on the Congressman prospectively from September 26, 1975.

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V. LITTON HONORARIUMS

The confusion as to what portion, if any, of travel and subsistence expenses must be counted towards the limits of 18 U.S.C. §616, centers on that section's definition of "actual travel and subsistence expenses".

The Commission has concluded that "actual travel" expenses are not subject to the honorarium limits, based on a clear legislative intent to treat such expenses differently from honorariums. A.O. 1975-8, 40 Fed. Reg. 36746 (Aug. 21, 1975). However, that opinion appears to define the phrase "actual travel" as encompassing only the personal expenses of the elected or appointed Federal officer.

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The restricted definition of "actual travel" reached by the Commission in its August advisory opinion on honorariums is clearly a novel interpretation of the phrase and cannot be said to have been foreordained by the statutory provisions of the Act. For that reason, the Commission staff has tentatively concluded that in applying §616 retroactively to Congressman Litton, the term "actual travel" would include expenses for the Congressman, his wife, and one staff member. Staff Rept., p. 17.

Congressman Litton is not in agreement with the staff's conclusion as to the definition of "actual travel". The Con-

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gressman asserts that the term "actual travel" should encompass all staff business travel in connection with an honorarium event. The purpose of the \$616 honorarium limitation is to prevent Members of Congress from profiting excessively during their term, from their official status. Payments for actual travel of Congressional staff when the occasion requires, do not accrue to a Congressman's financial benefit.

Even under the staff interpretation of "actual travel", no violation by Congressman Litton of the limits of \$616 has occurred, or will occur.

Respectfully submitted,

PRESTON, THORGRIMSON,
ELLIS, HOLMAN & FLETCHER



Robert N. Thomson
Counsel for Congressman
Jerry Litton

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BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF
CONGRESSMAN JERRY LITTON

CA 002-75
AFFIDAVIT OF
CONGRESSMAN
JERRY LITTON

The Honorable Jerry Litton, being duly sworn, deposes and says:

1. I am a Member of the United States House of Representatives from the Sixth District of the State of Missouri. I was first elected to Congress in 1972 and subsequently re-elected in 1974. My professional experience prior to my election included ranching, a number of years as a professional broadcaster, a career for which I trained in college, and a paid professional speaker.

2. My second term as a Congressman expires January 3, 1976. In May of 1975 I decided to explore the possibilities of a candidacy for the Missouri governorship or the U.S. Senate as an alternative to running for re-election in my district. In order to test my political strength as a candidate for those offices, I spent a limited amount of time and personal funds traveling to confer with individuals whose advice I value. I had not, at that time, come to any conclusions about which office to seek. It was therefore my understanding then, that since I was a prospective candidate

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only, my travel expenditures were not "expenditures" within the meaning of the Federal Election Campaign Act.

3. In September of 1975, I decided I could well become a candidate in the 1976 Missouri Democratic Senatorial primary (to be held on August 3, 1976). I immediately authorized the formation of the "Missourians for Litton" committee. That committee filed a statement of organization with the Federal Election Commission on September 26, 1975, pursuant to the requirements of 2 U.S.C. §433.

4. On July 7, 1975, I received a letter from Gordon Andrew McKay, Staff Director of the Disclosure and Compliance Division for the Federal Election Commission. In his letter, Mr. McKay alleged that apparently I had erroneously concluded that my prospective candidacy (i.e., the period during which I was exploring the question of which office to seek) was not a "candidacy" within the meaning of the Federal Election Campaign Act. He also explained that such expenditures might be chargeable against the expenditure limits set forth under the provisions of Title 18, section 608. In conclusion, Mr. McKay stated that I might wish to request an advisory opinion on my status as a "prospective" candidate pursuant to the provisions of Title 2, section 437(f).

5. Further, since Mr. McKay had suggested I might want to ask for an advisory opinion from the Commission, I on July 22 wrote Chairman Curtis and asked for the Commission's opinion on whether my appearances constituted the start of a

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candidacy, on the appropriate use of funds left over from my 1974 Congressional race for routine political activities in my district, on the use of those funds for official business for which inadequate official funds are supplied and, finally, on the problem of determining when an individual who has long maintained a busy schedule of public appearances and may (or may not) be considering running for an office (or offices) becomes a candidate. I am still eager to cooperate with the Commission in determining the answers to those questions.

6. In August 1975, I learned from my staff that I was the subject of a Commission investigation concerning certain disbursements made in the State of Missouri during 1975. I received no formal notice of the investigation; although I was in receipt of the letter from Mr. McKay, it made no mention of an impending investigation. On August 18, 1975, I sent a letter to Stephen Schachman, Deputy Assistant General Counsel for Litigation, explaining to him what I understood about the matters under investigation and making clear to him that as far as I was concerned, I was undecided as to which office I would seek and was therefore not a candidate for any federal office. Since that time, my counsel, Robert Thomson, has tried unsuccessfully to resolve our differences in this matter with the Federal Election Commission staff. Agreement has not been reached.

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7. Since I came to Congress in 1973, I have sponsored a series of monthly meetings with my constituents, the television broadcast of which is called DIALOGUE WITH LITTON (DIALOGUE). The program format is that of an old-fashioned town meeting. My constituents are the audience and they participate in the program by asking myself and my guests any questions they have about issues of interest to them or about what is happening in Congress.

8. My reason for starting DIALOGUE was my feeling that a tremendous communication gap existed between the people of my district and the Congress. The gap **created** a distorted image in the minds of my constituents about how Congress and the federal government actually operate. As their Congressman, I felt it was my responsibility to close that gap with my constituents and to provide them with enough accurate and up-to-date information on issues and Congressional affairs that they would be encouraged to become informed participants in their government. We are now in our fourth year of the DIALOGUE program.

9. DIALOGUE'S format is that of an actual dialogue between myself, my guests, and the audience. The program is issue-oriented and non-partisan. During its course I have tried faithfully to present my **constituents** with a chance to hear both sides of the issues. My guests have included not only Congressional leaders and colleagues from both sides of the aisle, but also, cabinet members, federal administrators

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and other local and national government figures. During the past year, I have included among my guests such prominent political figures as "Bo" Calloway, Secretary of Agriculture, Earl Butz, and Presidential Energy Advisor, Mike Duvall.

10. I have never used the program for campaign purposes either for myself or for other candidates. I would not permit that. It would violate the integrity of the program. In preparing material for broadcast, we have never edited out material unfavorable to me. In fact, where possible, we have done just the opposite by editing out material that was too favorable to me. My goal in preparing DIALOGUE has always been to achieve a fair, open, and honest dialogue with my constituents about issues of concern to them and to the nation. I think we have achieved that goal.

11. The DIALOGUE program has been very favorably received by my constituents. Our first meetings were so successful that, at the request of constituents scattered across a district of greater than 12,000 square miles, reaching three-quarters of the way across Missouri, we decided to televise it.

13. Television programs of DIALOGUE are prepared for stations serving my Congressional district. In order to ensure television coverage of the entire district, however, it was necessary to broadcast the program on television stations on the fringes of my district (the district itself only has one station inside it, at St. Joseph). To reach all our constituents we have to rely on fringe stations in Kansas City, Columbia, Hannibal-Quincy, and Kirksville. We also provide

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14. The production costs of DIALOGUE average from \$2,500 to \$3,200 per month. That figure includes both actual television production costs (time, directors fee, etc.) as well as the costs of the meetings themselves (travel for myself and guest, music, in-district advertisement, membership cards and name badges). Production expenses are borne by the Sixth District Congressional Club, an organization which exists solely for the purpose of supporting the production of the DIALOGUE program. The club sells memberships to raise the money for the program's costs.

What I am doing

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a newsletter to his constituents, except, I might add, that he does so at taxpayers' expense. The consequences of the proposed application are bound to be grave. In that event, we will be faced with the unpleasant decision of continuing to produce DIALOGUE and having portions of its cost count toward my Senate campaign limit, despite the fact that the program has only minimal political value for my candidacy, or stopping production altogether. If we do that, I submit, we unjustly deny DIALOGUE'S viewers a worthwhile and beneficial public service program that stations want to broadcast. Furthermore, such a ruling by the Federal Election Commission could discourage broadcasting stations from carrying DIALOGUE because of the Equal Time requirements.

16. In my estimation, the staff's recommendation that a portion of DIALOGUE expenses should be deemed campaign-related would severely curtail the program and could force its cancellation altogether.

Signed in Washington, DC, on this 21st day of January, 1976.



JERRY LITTON
Member of Congress

Sworn to before me this 21st day of January, 1976.

Notary Public

EXHIBIT 1

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 3, 1975

CERTIFIED/RETURN RECEIPT REQUESTED

The Honorable Jerry Litton
1502 Longworth House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Litton:

It has come to the attention of the Federal Election Commission that certain published and broadcast statements attributed to you claim that certain expenditures you may have made in connection with a Federal election are not subject to the disclosure and limitation provisions of the Federal Election Campaign Act, as amended, since you have not yet announced your candidacy for election to Federal office.

Please be advised that under the provisions of Section 608 of Title 18 of the United States Code, such expenditures may be chargeable against the expenditure limitations set forth in that section, irrespective of a formal announcement of candidacy.

An individual, for purposes of disclosure and the limitation provisions of the Act and Section 608 of Title 18, may become a "candidate" for Federal office whether or not such individual has made a formal announcement of his candidacy or has taken the necessary steps to qualify as a candidate under the provisions of State law. In 2 U.S.C. 431(b) and 18 U.S.C. 591(b) a candidate is defined as " . . . an individual who seeks nomination for election, or election, to Federal office . . . if he has . . .


- 2) received contributions or made expenditures,
or has given his consent for any other person
to receive contributions or make expenditures,
with a view to bringing about his nomination
for election, or election, to such office"
[underscoring added].

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I enclose a copy of the Federal Election Campaign Laws and call your attention to Section 437(f), wherein you are entitled to request a formal advisory opinion on this matter from the Commission. In the alternative, the Commission would welcome any comments or explanatory material you may wish to submit. Please do not hesitate to contact me on 202/382-6023 if further guidance or assistance is required.

Sincerely yours,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

Enclosure as stated

GAM:vlf

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OFFICE OF LEGAL COUNSEL

77010025

JERRY LITTON
6th DISTRICT, MISSOURI

EXHIBIT 2

COMMITTEE ON AGRICULTURE

WASHINGTON OFFICE:
1502 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-7041

Congress of the United States
House of Representatives
Washington, D.C. 20515

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
COMMERCE, HOUSING AND
TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

DISTRICT OFFICE:

PLAZA INN INTERNATIONAL
8001 NORTHWEST 112 STREET
KANSAAS CITY, MISSOURI 64153
(816) 891-8880

August 18, 1975

Mr. Stephen Schachman
Deputy Assistant General Counsel
for Litigation
Federal Election Commission
1525 K Street, N.W.
Washington, D. C. 20463

Dear Mr. Schachman:

It is my understanding from conversations with my staff that I am the subject of a Commission investigation concerning certain disbursements made in the state of Missouri this year. It is unfortunate that I have had no written notification of such an investigation, other than a letter dated July 3rd from Mr. Drew McKay which did not mention any investigation.

That July 3rd letter pointed out that a report in the ST. LOUIS POST-DISPATCH on June 22, 1975 indicated I said I could make appearances in St. Louis and not have them count against our limit if I later became a candidate for the U.S. Senate, whereas the cost of similar appearances would count against the spending limit for candidates who have already filed.

That newspaper report was accurate. I did say that. My statements were based on my careful reading and, I believe, accurate interpretation of the campaign act. Under the law I do not believe I am presently a candidate. Nor do I believe that, should I become a candidate, expenditures made in recent months should be counted against my spending limit.

As I indicated in my letters to you and Mr. McKay there seems to me to be a difference between testing the waters and heating them up.

I acknowledge I am seriously considering a Senate Candidacy. With the exception of the Senate seat and my current office, I have publicly indicated I will not be a candidate for any other office in 1976.

I have not made up my mind which of the two to seek nor whether I will seek either.

Frankly, in addition to my Congressional activities, and my speaking schedule (which has been a heavy, nation-wide schedule for many years) I have been spending limited time and a very modest amount of money to support incidental travels attempting to determine whether I should become a candidate and for what office.

It would be most accurate to say I am currently a prospective candidate for the U.S. Senate as well as a prospective candidate for re-election to my current office.

Unfortunately, the Federal Elections Campaign Act does not provide for prospective candidates. It establishes registration and reporting procedures only for actual candidates.

And that's one thing I know I'm not -- a candidate.

Again, I have not made up my mind what office to seek. I've only indicated that despite encouragement, I won't be a candidate for Governor of Missouri, and that I am receiving a positive reaction from people about a potential Senate candidacy.

To the uninitiated it must seem so simple to say, "Even though you haven't made up your mind which office to seek, go ahead and file the reports for the Senate. That way, even though you believe the minimal expenses of these exploratory soundings clearly fall outside the definition of an expenditure made to influence the outcome of a federal election, your report will be on file, and you're covered should you later decide to make the Senate race."

As you well know, it's just not that simple.

To file such reports, I would first have to establish a committee. How, for instance, do you ask people to serve on a committee when you don't yet know which office, if either, you will seek? I would then have to appoint a chairman and treasurer and clearly indicate in pursuit of which specific office I'm filing reports.

The instant I did that Missouri newspapers would run headlines "Litton Making Senate Race". Within minutes a group of eight to ten prospective candidates, who have indicated they will seek my House seat if I run for the Senate, would head for Jefferson City to file for the House. The public would be convinced I am

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determined to make the Senate race. But such would not be the case. I haven't decided yet.

The filing deadline for the Missouri Democratic Senatorial Primary is April 27, 1976. The primary election is not until August 3, 1976.

Frankly, to be sure I was in compliance with the law I considered filing several months ago for both offices, House and Senate, and complying with reporting requirements accordingly. However, Missouri law prohibits filing for two offices.

I don't believe it was ever the intention of the Congress in passing the FECA to force prospective candidates into publicly selecting an office before their own minds are made up.

It is, therefore, my opinion I am not now a candidate. Further, I believe if I should become a candidate for either office, the monies I have spent in these preliminary testings should not count against my limit.

However, since only the Commission can make this determination, and since I want to be in full compliance with the law, I tell you now I will be prepared, after you review my records to file any reports you may reasonably require. I stand ready to fully comply with what the Commission deems appropriate and necessary.

I welcome this opportunity to give you a chance to look at my books and determine if my public statements accurately reflect my activities, which I am confident they do.

It will also give you a chance to answer some basic questions:

- (1) Am I now a candidate for the U.S. Senate?
- (2) If so, when did I become a candidate?
- (3) After that date, what expenditures, if any, count against my limit?
- (4) If I am not now a candidate, what action may I take in the future that will cause me to become one?
- (5) If, at some future date, I do become a candidate for the Senate, will any of the expenditures to that date be counted against my limit?

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(4)

I believe the resolving of these specific issues will do much to inform other potential candidates and enable them to know the Commission's interpretation of the act and comply with it.

As my staff indicated, last month I immediately made available to the author of the ST. LOUIS POST-DISPATCH article the letter from Mr. McKay along with a copy of my response.

I have not hesitated to focus public attention on this law which substantially changes campaign methods and strategy. I have freely discussed my interpretation of the law and the timetable for compliance, as I understand it. In fact, I would point these issues out before the Commission because of my free and open discussion of the law.

I see no reason to keep this matter behind closed doors. Rather, I firmly believe knowing the methods, procedures, evidence, considerations, decision process and final judgments in this situation would all be helpful to countless other potential candidates who find themselves in a similar position.

I, therefore, most willingly waive my rights under Section 437(a)(3) to have this matter kept confidential.

At my request, Mr. Robert Thomson will represent me in this matter. You will be hearing from him before noon, tomorrow, Tuesday, August 19, about my specific plans to furnish you with the information you require.

Your attention to this, your interest in us, and your willingness to operate in a spirit of cooperation are all deeply appreciated.

Sincerely,

JERRY LITTON
Member of Congress

JL/cp

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EXHIBIT 3

LAW OFFICES

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

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EMANUEL ROUELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND*

*NOT A MEMBER OF THE DISTRICT OF COLUMBIA BAR

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

September 29, 1975

Mr. Stephen Schachman
Deputy Assistant General Counsel
For Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Schachman:

77010030

We have completed a thorough review of all payments made by or on behalf of Congressman Jerry Litton since January 1, 1975. As you know, Congressman Litton does not consider himself a candidate for the U.S. Senate. However, some expenditures were made from the Congressman's personal funds during the second quarter of 1975 to determine if he should become a candidate. Should you determine these expenditures are reportable under the F.E.C.A., they will be included on the third quarter Report of Receipts and Expenditures filed by the Missourians for Litton Committee, a political committee registered with the Secretary of the Senate and the Missouri Secretary of State on September 26, 1975. The report will, of course, include all third quarter expenditures as well.

For your convenience, we have listed below second quarter payments made to determine whether Congressman Litton should become a Senate candidate. In addition to that list, we have also itemized and categorized other payments that were made during the period in question. None of these additional payments were made with respect to the Senate primary.

Hopefully, our action coupled with your audit, will lead to a speedy resolution of this matter and enable you to conclude your investigation on a positive note. We remain ready, as before, to answer any questions you may have with respect to this information.

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1. Reportable Expenditures from the Second Quarter

If you determine it is necessary, the Missourians for Litton Committee will report certain second quarter expenditures on its third quarter Report of Receipts and Expenditures.

The following is a list of those expenditures, totalling \$654.78, with reference to travel items appearing in Attachment 1:

(TRAVEL ITEM 55)

May 1, 1975	Bel Air Hotel St. Louis, Mo.	Overnight accomodations in connection with speech for State Rep. Williams	\$32.00
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(Also will be listed as a contribution in-kind of \$32.00 from Williams Dinner Committee)

(TRAVEL ITEM 59)

May 10, 1975	Ozark Airlines	Travel in connection with speech to Ozark Press Association	\$28.37 (pd.Check #713)
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(TRAVEL ITEM 59)

May 10, 1975	Howard Johnson's Springfield, Mo.	Overnight accomodations in connection with speech to Ozark Press Association	\$16.48 (pd.Check #709)
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(TRAVEL ITEM 68)

May 28, 1975	Trans-World Airlines	Transportation to St. Louis political meet- ings	\$36.35 (pd.Check #713)
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(TRAVEL ITEM 68)

May 28, 1975	Chase Park Plaza Hotel, St. Louis, Mo.	Overnight accomodations in connection with St. Louis political meetings	\$75.38 (pd.Check #709)
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(TRAVEL ITEM 71(d))

June 5, 1975	Plaza Inn Int'l Kansas City, Mo.	Refreshments and room for meeting with KC political leaders	\$218.11 (pd.Check #713)
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(TRAVEL ITEM 72)

June 7, 1975	Tan-Tar-A Lake Ozark, Mo.	Overnight accomodations in connection with speech to Central Mo. Press Association	\$48.13 (pd.Check #707)
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(TRAVEL ITEM 72)

June 7, 1975	Cong. J. Litton 1502 LHOB Wash, D.C.	Travel in Litton car to Central Mo. Press Association speech in Lake Ozark, Mo. - 440 miles at \$.10 per mile	\$44.00
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(Also reported as contribution from Litton)

(TRAVEL ITEM 75(b))

June 14, 1975	Alameda Plaza Hotel Kansas City, Mo.	Dinner, KC City Council	\$132.80 (pd.Check #715)
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(TRAVEL ITEM 75(e))

June 15, 1975	Plaza Inn Kansas City, Mo.	Breakfast with Mo. party officials	\$23.16 (pd.Check #718)
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TOTAL: \$654.78

In addition to the expenditures noted above, there are others that cannot be deemed campaign "expenditures", as that term is defined in the Federal Election Campaign Act, and interpreted by the Federal Election Commission. These are categorized below.

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2. Travel Outside of Missouri

None of Congressman Litton's travels outside of the State of Missouri were to influence the result of the Missouri Senate primary, nor did such travel have any appreciable impact on that election. Therefore, we feel expenses associated with the following travel items in Attachment 1 cannot be deemed expenditures for the Senate primary:

Out-of-State Travel

Items 1-11
Items 17-19
Items 21-22
Item 25
Item 27
Items 31-32
Item 36
Item 45
Item 53
Item 75(a)
Items 77-78
Item 82

Note that all but five of these travel items were in connection with honorarium speeches (See, Attachment 2). As discussed below, honorarium appearances are clearly outside the purview of the campaign laws, particularly when the appearances are outside the geographical boundaries of the relevant electorate and the incumbent officeholder is not an announced candidate.

Items 10-11 were travel in connection with the Congressman's appearance as a member of the House Agriculture Committee at a Consumer Affairs meeting in New York on January 20, 1975.

Item 24 was travel to Vail, Colorado for a vacation with the Litton staff on February 11.

Item 36 was travel to Southern Illinois University in Carbondale, Illinois for an Agricultural Seminar in Litton's official capacity as a member of the Agriculture Committee on March 14.

Item 53 was travel in connection with an appearance at an Iowa State FFA leadership conference in Sioux City in Litton's official capacity on April 25.

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Clearly none of these expenditures were made for the purpose of influencing the result of the Missouri Senate primary.

3. Honorarium and Expenses Travel Within State

Items 12, 13, 15, 20, 46, 50, 62, 64, 69 and 74 represent travel in connection with honorarium speeches within the state. Neither the expenses associated with such travel, nor the honorariums themselves should be deemed "expenditures" or "contributions" for purposes of the F.E.C.A. Congress intended honorariums to be separately limited under the provisions of Section 616 of Title 18, U.S. Code.

However, the Commission has not recognized the distinction when candidates make honorarium appearances within the geographical boundaries of their electorate. See, AO 20, September 23, 1975. Under those circumstances, honorarium payments will now be deemed "contributions." Nevertheless, Congressman Litton was not a candidate for the Senate when he made these appearances. In fact, he was only a few months into his term as a Congressman. Even if the Commission decides to ignore the candidacy requirement in AO 20, no one has suggested that the ruling is retroactive before September 23.

Items 12, 13, 15, 20 and 46 all represented honorarium appearances before the incumbent Senator, Stuart Symington, announced his retirement on April 21. In no case should Litton contributions or expenditures before that date be attributed to the Senate campaign. See, Tennessee Guidelines, Fed. Reg. 43660, September 22, 1975, where effective resignation date of incumbent triggered running of the expenditure limitation period.

Items 62, 64 and 69 were commencement speeches to high schools, certainly not the type of appearances by a public official that should be deemed campaign-related except under the clearest of circumstances.

Item 58 was a speech to the Missouri Life Underwriters Association who were meeting in Congressman Litton's district on May 5. Item 71(c) was a speech to a statewide meeting of paint technologists meeting immediately adjacent to the district. We believe such appearances should be considered part of the official business of the Congressman as a host to conventions held in his district.

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Item 74 was a speech to the Missouri Young Bankers Association on June 11 at Tan-Tar-A. The Congressman appeared in his official capacity as a member of the House Agriculture Committee to discuss agricultural matters of interest to the Missouri financial community,

Apparently, expense or honorarium payments of this type may now be covered by the rulings in AO 13 or AO 20. However, when Congressman Litton accepted these speaking engagements, the Commission had not yet issued these two Advisory Opinions. It would be entirely unfair to apply the rulings retroactively to Congressman Litton in the context of this investigation, without an across-the-board review of the 1975 honorarium activities of all Federal officeholders.

4. Constituent Service Within District

A great number of the Congressman's trips during this period were directly in connection with constituent service activities in his district. Even under the newest version of the office account ruling, such payments occurring during the first year of the Congressman's term, will not be charged to a Congressman's spending limit.

DISTRICT CONSTITUENT SERVICES

Items 14	49
24	52
28	56
33	61
38	66
41	71(a)
44	79

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5. Other Official Travel as Member of Congress Within The State

Since Congressman Litton is the only member of the Missouri delegation on either the Senate or House Agriculture Committees, he receives numerous invitations to speak at Farm Bureaus and other agricultural gatherings throughout Missouri. Under the most recent version of the proposed office account regulation, he would be required to charge expenditures for such travel against his Section 608 spending limit during 1976, but not in 1975. Of course, Commission sources have indicated the regulation is not retroactive in any event.

The Congressman should be allowed to speak upon invitation to agricultural groups throughout Missouri in his official capacity, subject to minimal restriction by the campaign laws. Congressman Litton has made such appearances ever since he became a member of the Agriculture Committee and long before he was ever mentioned as a possible Senate contender.

The Congressman was travelling in his official capacity in items 23, 29, 37, 39, 42, 63, 76 and 80. Note that only the last three appearances were made after the date Senator Symington announced his retirement.

6. Party Business

In travel items 34, 50 and 71(b), Congressman Litton was travelling as a party leader and attending regularly scheduled party events. For items 34 and 50, all party officeholders were invited to attend. Item 71(b) was for party business within his district.

As you know, Gerald Ford, an announced candidate for President, is currently travelling around the nation on "party business" at the expense of the Republican National Committee. The Commission has yet to attribute any of these travel expenditures to the Ford campaign. Congressman Litton, of course, was not an announced candidate and was not using funds from a political committee for travel expenses. Therefore, these expenses, though minor, will not be considered campaign-related.

When the Federal Election Commission attributes RNC travel payments to the Ford campaign, then Missourians for Litton may reconsider the status of these three travel items. Until that time, however, the Committee has no intention of reporting such payments as campaign expenditures subject to the Section 608(c) limits.

7. Miscellaneous Travel Items

Items 20, 30, 35, 40, 43, 47, 48, 51, 54, 65, and 81 represent return travel for trips in Sections 1 through 5 of this letter. Items 57, 60, 70 and 73 are also for return travel, but one or more of the activities that are listed as possible campaign expenditures under Section 1 took place on such trips.

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Item 57 was a return from a trip to Kansas City, (Items 55 and 56) for constituent work in the District. On the way to Kansas City, the Congressman attended the Williams dinner and stayed overnight in St. Louis. Since most flights to Kansas City stop in St. Louis, no extra expense was involved by virtue of the Williams dinner. Therefore, none of the travel expense to or from Kansas City need be apportioned for campaign purposes.

Item 60, coupled with Item 59, represents return travel from Kansas City, where the Congressman gave an honorarium speech, to Washington, D.C., with a stopover at Springfield, Missouri for a speech that arguably could have been for campaign purposes. The extra cost attributed to the stopover will be reported as a campaign expenditure, if required.

Item 70, as with item 60 above, is return travel with a stopover, where the extra cost of the stopover will be reported as a campaign expenditure, if required.

Item 73 represents return travel from a trip the predominate purpose of which was non-political. Congressman Litton flew to his district for constituent services and production of the Dialogue program (Item 71). While there, he hosted a meeting with political leaders and attended a press conference, both of which will be reported as campaign-related, if required (See, Section 1). However, the trip would have been made anyway, even without the political appearances. Therefore, only the extra travel and entertainment expenses should be reported as a campaign expenditure.

8. Office Expenses

Attachment 3 lists a number of payments made for office expenses during 1975. Even if the newest version of the proposed office account regulation were retroactive, the expenses would still not be chargeable against any Litton campaign limit. The proposed regulation extends only to those office expenses made during the last year of the Congressman's term.

9. Dialogue With Litton

The issues at the heart of the still-unresolved conflict over office accounts will determine how the Commission eventually will treat payments like those made to support

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COUNSEL

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Mr. Stephen Schachman
September 29, 1975
Page 9

the Dialogue with Litton program. The Dialogue program is a series of monthly voter education meetings that Congressman Litton holds with his constituents to discuss issues of importance to his District and the Nation. Up to 2,000 constituents regularly attend such meetings, which feature question and answer sessions with the Congressman and a guest.

The program is financed entirely from constituent contributions and administered from a separate office account. No contributions are accepted from corporations or labor organizations and no contributors have given in excess of \$500 during any calendar year. The account is controlled by a not-for-profit corporation, with a non-partisan board.

The stated purpose of the program is to bring government to the people, and the great interest shown in the program proves that purpose is being achieved. Guests have included Administration figures, such as Secretary of Agriculture, Earl Butz and Secretary of the Army, Bo Calloway, Republican Congressman Jack Kemp, and a few of the Democratic Presidential hopefuls. The program is edited and shown throughout the Congressman's district on television. It has proved so popular that two television stations outside of the Congressman's district have broadcast the program to fulfill their public service commitments as Federal Communications Commission licensees.

The current version of the Commission's proposed office account regulation would apply Title 18 spending limits to office accounts generally during the last calendar year of a Congressman's term. Thus, the Litton Dialogue program would be subject to the limits during 1976, but only if the Commission determined that it was the type of activity meant to be covered by its proposed regulation.

Under no circumstances, however, can the 1975 Dialogue expenditures be deemed subject to the limits. First, during the office account hearings, Commission sources indicated that the Dialogue program may not be the type of activity meant to be limited by the proposed regulation. Second, no one has suggested that the proposed regulation should be applied retroactively. Third, even if the regulation were applied retroactively to the Dialogue program, all the expenditures took place during the first year of Congressman Litton's term. The regulation, as proposed, applies only to the second year of a Congressman's term.

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Mr. Stephen Schachman
September 29, 1975
Page 10

Therefore, none of the Dialogue donations or payments can be retroactively limited by the Commission. Furthermore, we feel the Commission should never regulate such activity under any of its regulations. A Congressman's communications with his constituents should not be limited just because they are extremely effective.

I trust you will find this information useful. We will be awaiting instructions from you concerning any additional reporting obligations of Congressman Litton or any committees working on his behalf.

Very truly yours,

Robert N. Thomson

RNT:jc
enclosures

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ATTORNEY GENERAL COUNSEL

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MAY TRAVELS

55. May 1 DC/St. Louis Speech at dinner honoring state representative Fred Williams of St. Louis
56. May 2 St. Louis/Kansas City Constituent service - speeches to Smithville Bicentennial, Worth County Jaycees, United Community Services, Graham FFA, and participate in other community activities (all in district)
57. May 5 Kansas City/DC Return travel in connection with Items 55 and 56
58. May 9 DC/Kansas City Speech to Missouri Life Underwriters meeting in district
59. May 10 Kansas City/Springfield, Mo. Speech to Ozark Press Association
60. May 11 Springfield, Mo./DC Return travel in connection with Items 58 and 59
61. May 15 DC/Kansas City Constituent service - speech to Missouri Western University Commencement, Kansas City Chamber of Commerce National Affairs Committee, DIALOGUE production, American Angus Association meeting in district, Carrollton High School commencement (all in district)
62. May 16 Kansas City/Warrensburg, Mo./Kansas City Honorarium speech at high school commencement (outside of district)
63. May 17 Kansas City/Lake of the Ozarks/Kansas City Speech in official capacity to Mo. Forest Products Association (outside of district)

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64. May 20 Kansas City/Marshall, Mo./
Kansas City Honorarium speech at commence-
ment of Marshall High School
(outside of district)

65. May 21 Kansas City/DC Return travel in connection
with Items 61 - 64

66. May 23 DC/Kansas City Constituent service - Commence-
ment speeches at Meadville,
Cosby, Excelsior Springs;
breakfast with Kirksville
Chamber of Commerce; Various
district activities including
memorial day speech at St.
Joseph (all in district) -
Taping of Kansas City TV news
program for airing in district

67. May 28 Kansas City/Kansas City
(40 miles mileage) Coffee with Kansas City poli-
tical leaders

68. May 28 Kansas City/St. Louis Party at home of Sandy Miller;
Various political and media
events; Meetings with numer-
ous political leaders

69. May 30 St. Louis/Columbia, Mo. Honorarium speech - Rock Bridge
High School Commencement, Rock
Bridge, Mo.

70. May 31 Columbia, Mo./DC Return travel in connection
with Items 66-69

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JUNE TRAVEL

71.	June 6	DC/Kansas City	<ul style="list-style-type: none"> a. Constituent service - DIALOGUE production b. Party business - speech to Clinton County Women's Democratic Club c. Speech in official capacity to statewide meeting of Paint Technologists (adjacent to district) d. Cocktail party with area political leaders after DIALOGUE production
72.	June 7	Kansas City/Tan-Tar-A, Mo./Kansas City	Speech to Central Missouri Press Association - private car - 440 miles
73.	June 8	Kansas City/DC	Return travel in connection with Items 71-72
74.	June 11	DC/Tan-Tar-A, Mo./DC	Speech to Missouri Bankers Association; No honorarium but expenses paid by bankers; appearance in official capacity
75.	June 14	DC/Kansas City/DC	<ul style="list-style-type: none"> a. Appearance in Leavenworth, Kansas on Martha Keyes Congressional Forum b. Dinner with Kansas City City Council members c. Breakfast with Missouri Democratic Committee, State Treasurer
76.	June 20	DC/Tan-Tar-A, Mo.	Speech to Central Soya Conference in official capacity
77.	June 20	Tan-Tar-A/Louisville, Ky.	Honorarium speech to American Jersey Cattle Club in Louisville
78.	June 21	Louisville/Denver, Colorado	Honorarium speech - Colorado Cattlemen's Association, Denver, Colorado

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79.	June 21	Denver/Kansas City	Constituent service in district
80.	June 22	Kansas City/Houston, Mo.	Speech in official capacity at Texas County Farm Bureau, Houston, Missouri
81.	June 22	Houston, Mo./DC	Return travel in connection with items 76-80
82.	June 27	DC/Orlando, Florida	Honorarium speech to Florida Cattlemen's Association

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2000 I. B. M. BUILDING
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206-623-7580

November 13, 1975

Mr. David Spiegle
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Spiegle:

As you requested we have given some thought to the status of the Dialogue with Litton program under the F.E.C.A., as amended. Our position is that the Dialogue with Litton fund is an office account maintained by Congressman Litton to communicate with his constituents. As such, any FEC advisory opinion or regulation dealing with office accounts should apply in a prospective manner to Dialogue operations.

Nevertheless, it has been suggested that certain payments made from the Dialogue office account assumed the character of "expenditures", as that term is defined in the Act, once Congressman Litton began making payments to determine if he should run in the Missouri Senate primary. It has been suggested further that expenditures of this nature may have been made after May 1, 1975. This would lead to the conclusion that certain Dialogue payments made after May 1 should be charged to Congressman Litton's 18 U.S.C. \$608 expenditure limit for a Senate race.

In the event the Commission deems that some expenditures should be so charged, we proposed they be computed in the following manner:

First, the costs of Dialogue should be computed for each month from May 1 to the present.

Second, the total listening or viewing population in Missouri of all stations broadcasting the Litton program should be computed for the months involved and for the time slots in which the program was broadcast by each station. Relevant listener or viewer figures are available from the stations.

Third, the total listening or viewing population in Missouri of stations not serving the Congressman's district should be computed for the months involved and for the time slots in which the program was broadcast by each of these stations.

Fourth, the figure derived in paragraph 2 above should be divided into the figure derived from paragraph 3 and the resulting percentage should be multiplied times the monthly cost of the Dialogue program.

Fifth, the figures derived in paragraph 4 may be deemed expenditures chargeable to the Congressman's limit.

We are currently in the process of obtaining relevant figures from the stations in question. As soon as these figures are available, we shall make the computations above and provide you with the resulting figures. We anticipate the percentage will not be in excess of 10%. I hope to be able to discuss this formula in more detail with you at our meeting tomorrow.

Very truly yours,

E/

Robert Thomson

RT:me

7701001004
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EXHIBIT 5

LAW OFFICES

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET, N. W.

WASHINGTON, D. C. 20006

AREA CODE 202 331-1005

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

December 9, 1975

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Chairman Curtis:

7700010045
This letter, written on behalf of Congressman Jerry Litton, is to express our understanding of certain preliminary conclusions reached by the Commission and its staff in the Litton compliance action. This is also a request for an immediate opportunity to address the Commission itself in executive session to discuss the Dialogue with Litton program.

As you know, this matter originated as a Commission investigation of Litton travel and its possible relationship to a potential Senate candidacy. However, staff has broadened the investigation to include Litton honorariums and the Dialogue with Litton Program.

A. Litton Travel

It is our understanding that certain of Congressman Litton's trips back to Missouri occurring after May 1, 1975, will be considered campaign-related by the FEC. In general, those trips in which he made appearances outside his district will be deemed campaign-related. Drawing on the precedent of AO-72, an exception will be made for those out-of-district appearances related to party-building.

For those trips deemed campaign related, the expenditure allocable for campaign purposes, will be computed from the point of origin (normally Washington, D.C.) via every campaign-related stop and ending at the point of origin. If the Congressman conducted any campaign-related business in a location, such location will be treated as a campaign-related stop.

Travel expenses paid for out of appropriated funds shall not be treated as campaign-related expenditures. Where appropriated funds are used for travel to the Congressman's district, but private funds are used for travel out of his district

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OFFICE OF THE CHAIRMAN
WASHINGTON, D.C.
DEC 11 1975

The Honorable Thomas B. Curtis
December 9, 1975
Page 2

for a campaign-related stop, the private funds expended for such travel will be treated as campaign expenditures.

B. Litton Honorariums

The confusion in this area centers on the definition of "actual travel and subsistence expenses" in 18 U.S.C. §616. We understand FEC staff has drawn a tentative conclusion that such expenses may be for the Congressman, his wife and one staff member. Any travel expenses paid in excess of that amount will be deemed part of the honorarium.

C. Dialogue with Litton Program

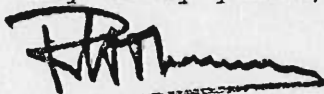
Treatment of the Dialogue program has been the source of much discussion at a staff level. It now appears no agreement is forthcoming. Therefore, we respectfully request an opportunity to address the Commission in executive session concerning this issue alone. I would appreciate it if such a meeting could be arranged before the end of this week, since I am leaving town Saturday and will not return until December 28.

Congressman Jerry Litton would like to appear for the purpose of discussing and answering questions about the Dialogue program. In addition, I would like to appear for the purpose of presenting various legal arguments.

We understand such an appearance will constitute a waiver of all rights to a formal hearing we may have with respect to this issue.

Please notify me as soon as possible when such an appearance can be arranged.

Very truly yours,



Robert N. Thomson

RNT:af

cc: All Commissioners
Orlando Potter
John Murphy
Stephen Schachman

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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

77010043
Robert N. Thomson, Esq.
Preston, Thorgrimson, Ellis,
Holman & Fletcher
1776 F Street, N. W.
Washington, D. C. 20006

Re: CA 002-75

Dear Mr. Thomson:

This is to confirm a conversation held on December 9, 1975, between Stephen Schachman of the General Counsel's office and yourself. In order that the Commission will more fully understand the issues raised by the above referenced matter and to insure that the differences between your contentions and the staff's recommendations be delineated, the Commission has decided to take the following action in response to your request for a hearing:

(1) The Commission staff will prepare a report setting forth the facts and their recommendations. The report will be submitted simultaneously to the Commissioners and to you as counsel for Congressman Litton.

(2) You will have an opportunity to submit a written response to the report. Your response should be in a format that you deem most appropriate.

(3) You will have an opportunity to request a hearing and if such a request is made a full hearing will be held on the matter.

The Commission is cognizant of your travel plans and will allow an appropriate period for the filing of your response, taking into account both your travel plans and the time of

the year. You may wish to contact Mr. Schachman to discuss an appropriate schedule for the submission of your response as well as scheduling a hearing if you so request one.

If you have any questions concerning the above please do not hesitate to contact Mr. Schachman.

Sincerely yours,

Thomas B. Curtis
Chairman

77040010040

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OFFICE OF GENERAL COUNSEL

WAYNE L. HAYS, OHIO, CHAIRMAN

FRANK THOMPSON, JR., N.J.
JOHN H. GENT, PA.
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MARJORIE S. VOLT, MD.
W. HENSON MOORE, LA.
BILL FRENZEL, MINN.

Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

SUITE H-326, U.S. CAPITOL

Washington, D.C. 20515

E. DOUGLAS FROST, STAFF DIRECTOR
PAUL WOHL, CHIEF COUNSEL
PAULA PEAK, DEPUTY STAFF DIRECTOR
LOUIS INGRAM, MINORITY COUNSEL

January 6, 1976

Honorable Jerry Litton
U.S. House of Representatives
1502 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Litton:

This refers to your recent letter wherein you request my views with regard to your television show, DIALOGUE WITH LITTON, and whether any portion of the cost of such show should count toward the political expenditure limitations under the Federal Election Campaign Act of 1971, as amended.

As Chairman of the Committee which authored the FECA, I want to assure you that it was not the intent of Congress to in anyway infringe on or inhibit the right and ability of a Member of Congress to communicate freely and fully with his constituents.

Secondly, the impossibility of confining broadcast signals to the boundaries of a congressional district should not in anyway influence a decision as to whether or not the cost of the show is a potential campaign expenditure.

Finally, in this age of citizen ambivalence and skepticism with regard to our political institutions, it seems to me that programs such as DIALOGUE WITH LITTON provide an invaluable antidote to such misgivings and should be encouraged whenever possible. DIALOGUE WITH LITTON is an unusually informative and interesting program and is well received by the citizens of Missouri. To interpret it as a campaign expenditure would, in my opinion, be unfair and unwise.

Page 2
Congressman Jerry Litton
January 6, 1976

I am pleased to note Advisory Opinion No. 107 of the Federal Election Commission with regard to a situation involving Congressman Ed Beard of Rhode Island that the Commission found a similar expenditure for a television show would not be considered as a campaign expenditure. Perhaps you may wish to discuss with the Commission their Advisory Opinion 107 in conjunction with your case? I am enclosing a copy of that Advisory Opinion for your information.

With kind personal regards, I am

Very sincerely yours,



WAYNE L. HAYS
CHAIRMAN

WLH:cke
Enclosure

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GENERAL COUNSEL

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PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET, N.W.
WASHINGTON, D. C. 20006

AREA CODE 202 330 0005

76 JAN 19 All: 30

(HP)

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

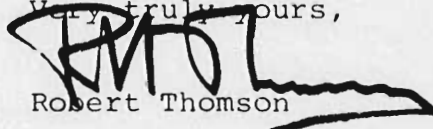
January 19, 1976

77040010050
The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Chairman Curtis:

This is a request for a two day extension of time within which to comment on the staff report on the Litton compliance action. The extension of time would be until the close of business on Wednesday, January 21, 1976. Congressman Litton will not return to Washington, D.C. until Tuesday evening, and he would like a chance to fully review our submission.

Very truly yours,


Robert Thomson

RT:me

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OFFICE OF GENERAL COUNSEL

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

SUITE 201

1776 F STREET, N W

WASHINGTON, D C 20006

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77 JAN 19 3 10

76 JAN 19 AM 11:30

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

H.O.)



CA-002-75 12
TRANSFERRED TO
MUR #0023

The Platte County Central Committee

January 12, 1976

Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Gentlemen:

I would like to protest the use of the Congressional franking privilege and probable Federal payment for the enclosed "questionnaire" put out by Congressman Jerry Litton of the 16th Congressional District of Missouri. I believe this to be a gross misuse of Federal funds. This is not a questionnaire in the true sense of the word; it is a campaign promotion piece!

If the Congressman's intent were to generate statistically accurate information, it would be perfectly permissible, even laudable. But from the content of the questionnaire, one can determine that he certainly does not have such high intentions. His obvious intentions, instead, are self-aggrandising.

I would direct your attention to question eight. It is my belief that any responsible, knowledgeable researcher would tell you that that is a prejudicial question. Being in the publishing business, I work with research frequently, and am confident that competent researchers would render that verdict. The wording of the question makes one answer more likely than another.

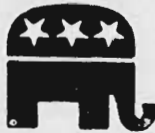
Question eight is, of course, just one example of blatantly irresponsible research.

The really unbelievable part of this whole promotion piece is that my Federal tax dollars are being used on the back cover to promote Congressman's Litton's television program which in turn is just a promotion for Congressman Litton. Therefore, my tax dollars are being illegally and unlawfully used as a part of his campaign which will almost surely be for the United States Senate next year. Congressman Litton's television program has

(Next page please ...)

PLATTE COUNTY REPUBLICAN CENTRAL COMMITTEE OFFICERS		
CHAIRMAN	VICE-CHAIRMAN	SECRETARY
Duane N. Helner	Bonnie Kellenberg	Joan Westram
4820 N.W. 81st Terr.	5601 Red Hawk Lane	R. R. No. 2
Kansas City, Mo. 64151	Kansas City, Mo. 64151	Weston, Mo. 64098
Phone: 741-5414	Phone: 741-0349	Phone: 386-5597

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OFFICE OF GENERAL COUNSEL
Phone: 587-8262



Federal Election Commission
January 12, 1976
Page Two

already been highly challenged by his likely Democratic primary opponents, and if the Federal Election Commission is to deal with the question fairly, I am confident you will find his television program should be paid for by his campaign funds and charged against his campaign spending.

Whatever excuses the Congressman may use for not charging the television programs against his campaign, the fact that he does not limit the coverage to television stations within the 6th Congressional District certainly should eliminate any doubt in the minds of the Commission. I urge you to look critically and act decisively on Congressman Litton's numerous election campaign violations.

Very truly yours,

Duane N. Hefner
Duane N. Hefner
Chairman

4820 NW 81st Terrace
Kansas City, Missouri 64151

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
STAFF GENERAL COUNSEL

U. S. CONGRESSMAN

Congress of the United States

7 7 0 1 3 5 1 0 5

Washington, D.C. 20515

Official Business



JERRY LITTON

POSTAL PATRON — LOCAL
6th Congressional District
Missouri

"I

Need

Your

Opinion"



For representative government to function as our forefathers envisioned, it is important that representatives of the people know how the people they represent feel about the critical issues facing our country.

It is also important that representatives of the people are open and accessible to the people they represent.

It would help me better represent you if you would give me your thoughts on the questions listed on the next two pages. On the following page is information on how you can turn the tables on me and ask me the questions at one of my monthly "Dialogue With Litton", open-to-the-public, town meetings. WORKING TOGETHER, YOU AND I CAN MAKE THIS A BETTER AMERICA.

(OPTIONAL)

FROM (please print)

Name _____

Address _____

PLACE
STAMP
HERE

If you would like to receive the results of this questionnaire,
please list your name and address above.

CONGRESSMAN JERRY LITTON
1502 Longworth Building
Washington, D.C. 20515

To return Questionnaire, please fold over so this side faces out.

ECONOMY

- 7 7 0 1 0 1 0 2 5 7
1. Do you feel recession is a greater problem than inflation?
 2. Do you feel getting people back to work is more important in the next year than balancing the federal budget?
 3. Would you favor a tighter federal budget and a reduction in federal spending even if this would mean eliminating some programs which you support?
 4. Would you favor cutting the federal budget in the area of foreign aid and military spending?
 5. Do you think one of the first places the budget should be cut is in the area of welfare?
 6. Do you pretty much agree with the following statement . . .
"Those of middle income who work the hardest and pay the most taxes plus senior citizens whose hard work in the past is responsible for many of the finer things we enjoy in America today . . . are two groups which have been about the most abused and overlooked by society and government"?

HIS		HERS	
YES	NO	YES	NO
<input type="checkbox"/>	<input type="checkbox"/>	1	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	2	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	3	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	4	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	5	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	6	<input type="checkbox"/>

ENERGY

7. Do you think there really is an energy shortage in America?
8. I have introduced legislation which cuts down on vertical integration within the oil industry by seeing to it that major oil companies who find and refine oil can't also sell it at the retail level, denying them control of the product from the hole in the ground to the tank in your car. Are you in favor of this kind of legislation?
9. Planning for the future is always a good thing, especially in terms of our resources. However, some fear this would simply mean more big government. Would you support the creation of an agency to "look down the road" for America as long as its sole purpose was to provide information to the Congress and country and not to dictate?

<input type="checkbox"/>	<input type="checkbox"/>	7	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	8	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	9	<input type="checkbox"/>

WELFARE

10. I have introduced legislation to correct some of the abuses of the Food Stamp program. If we can eliminate some of the abuses, would you support the Food Stamp program?
11. I am working on legislation which would require everyone on welfare except the elderly and those unable to work to accept a job or public work in order to qualify for welfare. Are you in support of such legislation?

<input type="checkbox"/>	<input type="checkbox"/>	10	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	11	<input type="checkbox"/>

GUN CONTROL

12. Do you favor legislation to register all firearms with the federal government?
13. Do you favor federal legislation to ban the sale of small, concealable, cheap handguns often referred to as "Saturday Night Specials"?
14. Do you favor federal legislation to ban the sale of all handguns except for those provided to law enforcement officials?
15. I have cosponsored legislation which provides for mandatory sentencing of those found guilty of committing a felony while possessing a firearm. Would you favor this legislation?

<input type="checkbox"/>	<input type="checkbox"/>	12	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	13	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	14	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	15	<input type="checkbox"/>

THE FARMER AND FOOD PRODUCTION

16. Do you believe farmers are getting too much help from the government?
17. Do you think food prices have gone up more in the past 10 years than other essentials such as rent, hospital care and transportation?
18. Do you believe it is in the best interest of the consumer to preserve the family farm so as to avoid concentrating the production of food in the hands of a few?
19. One of the first things I did upon being elected to Congress was to invite the leaders of American agriculture to Washington and get them to form the Agriculture Council of America so as to close the communications gap between rural and urban America. Do you think rural people need to better understand the problems of the cities and urban people need to better understand rural problems?

<input type="checkbox"/>	<input type="checkbox"/>	16	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	17	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	18	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	19	<input type="checkbox"/>

FOREIGN AFFAIRS

20. Are you of the opinion that America has spent too much time and taxpayers' money trying to buy friends abroad and get people around the world to do things our way instead of earning their respect and making democracy first work at home?
21. Do you think the United States should resume trade with Cuba?
22. Do you think the United States should reduce its troop strength overseas?
23. The United States presently pays one-fourth of the operating budget of the United Nations. I have introduced legislation to reduce this to one-sixth. Would you favor this reduction?
24. I have cosponsored legislation to establish a commission to monitor foreign investments in the United States. Are you in favor of this legislation?
25. Do you think it is in the best interest of the United States to continue its current level of support of Israel?

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<input type="checkbox"/>	<input type="checkbox"/>	21	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	25	<input type="checkbox"/>



TIME Magazine lists the Taxpayer Privacy Act authored by Congressman Jerry Litton as one of five major reforms that might come out of Watergate. Litton is pictured above testifying before a Senate committee on behalf of his bill. Behind him are five former commissioners of the IRS who also testified on the bill. The Litton bill rewrites the entire disclosure section of the IRS and in simple terms says the IRS is there to collect taxes to run the country and not to collect information on the private lives of American citizens to turn over to the White House, the Congress or bureaucrats in various state or federal agencies.

inequitable property tax, regressive sales tax and various state and federal programs which oftentimes are wasteful and do not meet local needs. This would increase revenue sharing to all counties, towns and local units of government in Missouri by 50% and lift some of the burden off property tax. Do you favor this kind of legislation?

27. Would you favor the federal government guaranteeing New York City's municipal bonds provided (1) such a guarantee did not cost the taxpayers any money and (2) provided such strings were attached to require New York City to make needed management changes and (3) provided these strings were tight enough so as to discourage other cities from following in New York City's footsteps and (4) provided sufficient evidence were available to lead one to believe that to do otherwise would increase the cost of operation of other towns in America by making municipal bonds less attractive?
28. Do you believe public employees who are paid out of public funds such as teachers, firemen, policemen, as well as state and federal employees should have the right to strike?

VOTER INTEREST

29. Have you seen "Dialogue With Litton" on T.V.?
30. If the answer to the above question is yes, do you find the program is accomplishing its purpose of "bringing government to the people"?
31. Are you a registered voter?
32. Would you favor a program which would permit unregistered voters to register by post card?
33. Does the statement, "I vote for the person and not the party" better describe you as a voter than the statement, "I always vote a straight ticket"?
34. Do you think either of the two major political parties are better able to solve the problems facing America than the other?

CONFIDENCE IN GOVERNMENT

35. Do you think that most public officials (people in public office) are not interested in the problems of the average man?
36. Do you think Congress and the President have been too partisan in their approach to solving problems in America?
37. Do you think President Ford is doing a good job as President?
38. Do you believe Congress is doing a good job?
39. Do you feel you are better represented on the local, state, and federal level than the average citizen in America?
40. I voted against the recent pay raise for Congressmen which passed by a vote of 214-213. I am also returning my pay raise to the U.S. Treasury and asking that it be used to pay off the federal debt. I have sponsored a bill which would make it illegal for Congressmen to increase their own salary during their current term of office. Do you favor such legislation?

WOMEN, TAXES, ABORTION, DRUGS, BUSSING, SPEED LIMIT, VETOES, EDUCATION, AND THE DEATH PENALTY

41. Do you favor the Equal Rights Amendment (ERA)?
42. Should the speed limit of 55 MPH on our highways be continued?
43. Do you support bussing as a way to overcome inequality of educational opportunities?
44. Would you favor increasing the percentage of federal aid to education as a way to overcome inequality of educational opportunities?
45. Do you think abortion is a state rights issue which should be left in the hands of each state rather than decided by the federal government?
46. Do you feel abortion should be permitted and left up to the individual?
47. If a tax increase is necessary would you prefer to see income tax raised instead of property tax?
48. Are you in favor of the death penalty for selected crimes such as those committed by prisoners serving a life sentence?
49. Recently President Ford has vetoed a number of major bills passed by Congress. On the whole, do you think that these vetoes have been good for the country?
50. Do you feel that one of the ways to crack down on drug pushers would be to take away their "protective shield", the user, by reducing the penalty for using marijuana from that of a felony to a misdemeanor so that users would be more willing to admit to using marijuana and to identifying the pushers to law enforcement officials?
51. Are you satisfied with the Postal Service?



Bringing Government
to the People . . .
Please turn the page

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

"Your chance to ask the questions"

7 7 0 1 0 0 5 7



There is a chair here
reserved for you

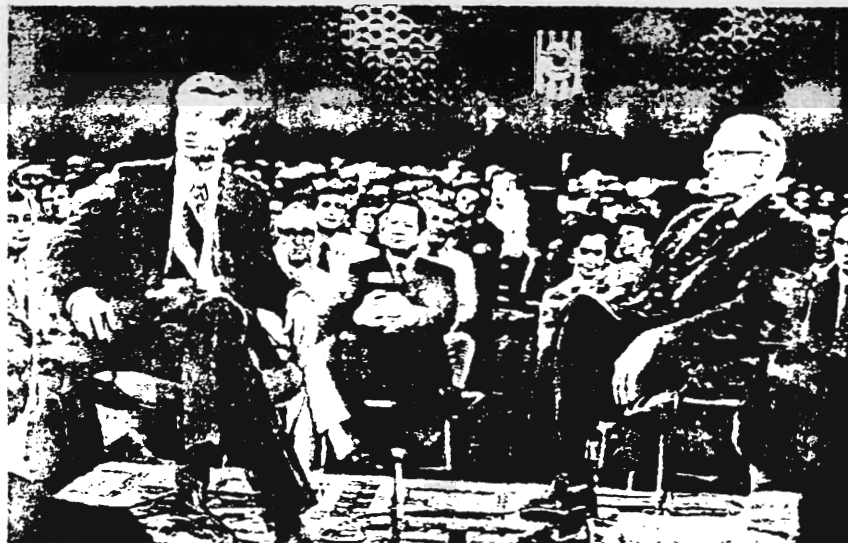
I have always felt that government needed to be more open and accessible to the people. Because of this, I have held monthly town meetings ever since I have been in Congress. This is your chance to ask me the questions. These meetings, called "Dialogue With Litton" are held in a theater-in-the-round arrangement (see photo above) each month at the Plaza Inn International. Will we see you there next month? We have a chair waiting for you.

Future Dates of "DIALOGUE WITH LITTON"

January 18	May 9
February 15	June 20
March 14	July 25
April 25	August 22
September 12	

These meetings are always held at 2:00 p.m., on a Sunday, at the Plaza Inn International (112th St. Exit on I-29) near the Kansas City International Airport. Admittance to each meeting is free. You don't need a ticket. The meetings last about two hours. For those who can't attend, a 30-minute portion is shown a week later on local TV and radio stations in Kansas City. Contact your local TV or radio station for details.

Guests on "Dialogue With Litton" include former Vice President Hubert H. Humphrey, Republican Senator Lowell Weicker and Franklin D. Roosevelt, Jr. This is your chance to get closer to your government and personally question those who lead it.



My guest each month is selected on the basis of topics of current concern to the American people. They include nationally known leaders from both the Democratic and Republican party whose position I may not always support. When Secretary of Agriculture Earl Buttz was my guest on "Dialogue With Litton" we had over 1,700 people in attendance. Other guests have included four Democratic Presidential hopefuls, President Ford's campaign manager, the Speaker and Majority Leader of the House, Congresswoman Shirley Chisholm and numerous national figures in our government.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
JAN 28 1978

At Christmas time I am reminded of a statement by Will Rogers. He said, "Our religious beliefs are many, but one belief is universal with all, and that is that there is some divine being higher than earthly. We can speak to Him, in many devious ways, in many languages, but He sees us all in the same light, and judges us according to our actions, as we judge the actions of our children different because we know they are each different."

Each of us is different and most are thankful for that difference. We have different ideas as to how to improve the quality of life for all mankind and attain peace on earth. At Christmas time we acknowledge this difference in the gifts we select for those with differing tastes. But we all celebrate the same most wonderful gift, the birth and life here on earth of Jesus Christ.

As we open our gifts, I hope we pause long enough to reflect that we are all still benefitting from that gift, given nearly 2,000 years ago. He came in peace for all mankind, to show us the way, the truth and light. As we all seek to find the way in our own way, to know the truth and to follow the light, it is my wish that your journeys this holiday season will be filled with peace and love which he offers in such abundance.

Two of my main objectives in Congress are to effectively represent you in the writing of laws which will improve the quality of life for mankind and to be open and accessible to the people I represent. In order to represent you effectively, I need your thoughts. You might ask if I vote according to the results of a questionnaire like this, or if I vote according to my own feelings. I vote as I think the people I represent would vote if provided with the same facts and information made available to me.

My Job is to Serve You

An equally important part of my job is in assisting you on matters related to the Federal government. Some who write or call say they don't want to bother me. You shouldn't feel this way. I am working for you. My job is to serve you.

My District office is located on the main floor of the Plaza Inn International (112th St. Exit on I-29) near the Kansas City International Airport. The District telephone number is 816-891-8880. My Washington office (where your letters should be directed) is 1502 Longworth Building, Washington, D.C. 20515. My Washington telephone number is 202-225-7041.

LAW OFFICES
PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER
1776 F STREET N.W.
WASHINGTON, D. C. 20006
AREA CODE 202

FEDERAL ELECTION
COMMISSION

76 JAN 7 P 1:31

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580


January 6, 1976

Stephen Schachman
Assistant General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Schachman:

I have received the FEC staff report on the Litton compliance action. With the Commission's permission, I would like to file comments on issues raised in the staff report by January 19, 1976. If this date is not appropriate, please telephone me.

Very truly yours,


Robert Thomson

RT:me

770106

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

SUITE 201

1776 F STREET, N. W.

WASHINGTON, D. C. 20006



Mr. Stephen Schachman
Assistant General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

76 JAN 7 P 1:25

77 REGISTRATION 0 2 6



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 16, 1975

Honorable Jerry Litton
House of Representatives
Washington, D. C. 20515

Dear Jerry:

77040010262

I wish to acknowledge your letter of December 8, 1975. Unfortunately, your opening remarks have been misconstrued by some to indicate that you might have been attempting to discuss a matter under consideration by the Commission in an ex parte manner with a single Commissioner. I know you were not and I explained to the Commission that our meeting on the airplane was happenstance; that whatever was said was in the presence of others, particularly Congressman Tom Railsback with whom I was seated, and that the conversation was primarily pleasantries and consumed at most two minutes. I did again state publicly my admiration of your TV program as an excellent way of reporting to one's constituency, as you say in your letter. The quality of your program is not an issue in dispute before the Commission.

770400112479

I note that copies of the letter to me were sent by you to all the Commissioners simultaneously. To me this is a clear indication of your honorable intent. Of course, the proper procedure is to communicate directly with the Federal Election Commission staff and the Commission itself becomes involved only if an appeal to it is made, as indeed you have done through your attorney.

Best regards.

Sincerely yours,

Thomas B. Curtis

TBC:me

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Robert N. Thomson, Esq.
Preston, Thorgrimson, Ellis,
Holman & Fletcher
1775 F Street, N. W.
Washington, D. C. 20006

Re: CA 002-75

Dear Mr. Thomson:

This is to confirm a conversation held on December 9, 1975, between Stephen Schachman of the General Counsel's office and yourself. In order that the Commission will more fully understand the issues raised by the above referenced matter and to insure that the differences between your contentions and the staff's recommendations be delineated, the Commission has decided to take the following action in response to your request for a hearing:

(1) The Commission staff will prepare a report setting forth the facts and their recommendations. The report will be submitted simultaneously to the Commissioners and to you as counsel for Congressman Litton.

(2) You will have an opportunity to submit a written response to the report. Your response should be in a format that you deem most appropriate.

(3) You will have an opportunity to request a hearing and if such a request is made a full hearing will be held on the matter.

The Commission is cognizant of your travel plans and will allow an appropriate period for the filing of your response, taking into account both your travel plans and the time of

one year. You may wish to contact Mr. Schachman to discuss an appropriate schedule for the submission of your response as well as scheduling a hearing if you so request one.

If you have any questions concerning the above please do not hesitate to contact Mr. Schachman.

Sincerely yours,

TS/

Thomas B. Curtis
Chairman

77010010061

SSchachman:mpc:12/11/75

cc: Mr. Curtis
Mr. Murphy
Stephen Schachman
Compliance Section

LAW OFFICES
PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER
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AREA CODE 202 331-1005

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

December 9, 1975

The Honorable Thomas B. Curtis
Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Chairman Curtis:

This letter, written on behalf of Congressman Jerry Litton, is to express our understanding of certain preliminary conclusions reached by the Commission and its staff in the Litton compliance action. This is also a request for an immediate opportunity to address the Commission itself in executive session to discuss the Dialogue with Litton program.

As you know, this matter originated as a Commission investigation of Litton travel and its possible relationship to a potential Senate candidacy. However, staff has broadened the investigation to include Litton honorariums and the Dialogue with Litton Program.

A. Litton Travel

It is our understanding that certain of Congressman Litton's trips back to Missouri occurring after May 1, 1975, will be considered campaign-related by the FEC. In general, those trips in which he made appearances outside his district will be deemed campaign-related. Drawing on the precedent of AO-72, an exception will be made for those out-of-district appearances related to party-building.

For those trips deemed campaign related, the expenditure allocable for campaign purposes, will be computed from the point of origin (normally Washington, D.C.) via every campaign-related stop and ending at the point of origin. If the Congressman conducted any campaign-related business in a location, such location will be treated as a campaign-related stop.

Travel expenses paid for out of appropriated funds shall not be treated as campaign-related expenditures. Where appropriated funds are used for travel to the Congressman's district, but private funds are used for travel out of his district

7704001026;
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

The Honorable Thomas B. Curtis
December 9, 1975
Page 2

for a campaign-related stop, the private funds expended for such travel will be treated as campaign expenditures.

B. Litton Honorariums

The confusion in this area centers on the definition of "actual travel and subsistence expenses" in 18 U.S.C. §616. We understand FEC staff has drawn a tentative conclusion that such expenses may be for the Congressman, his wife and one staff member. Any travel expenses paid in excess of that amount will be deemed part of the honorarium.

C. Dialogue with Litton Program

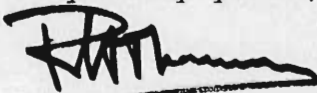
Treatment of the Dialogue program has been the source of much discussion at a staff level. It now appears no agreement is forthcoming. Therefore, we respectfully request an opportunity to address the Commission in executive session concerning this issue alone. I would appreciate it if such a meeting could be arranged before the end of this week, since I am leaving town Saturday and will not return until December 28.

Congressman Jerry Litton would like to appear for the purpose of discussing and answering questions about the Dialogue program. In addition, I would like to appear for the purpose of presenting various legal arguments.

We understand such an appearance will constitute a waiver of all rights to a formal hearing we may have with respect to this issue.

Please notify me as soon as possible when such an appearance can be arranged.

Very truly yours,



Robert N. Thomson

RNT:af

cc: All Commissioners
Orlando Potter
John Murphy
Stephen Schachman

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040010265

JERRY LITTON
6TH DISTRICT, MISSOURI

WASHINGTON OFFICE:
1502 LUDLOW HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-7041

DISTRICT OFFICE:
PLAZA INN INTERNATIONAL
8001 NORTHWEST 112 STREET
KANSAS CITY, MISSOURI 64153
(816) 891-8880

Congress of the United States
House of Representatives
Washington, D.C. 20515

CA-002-75
COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
COMMERCE, HOUSING AND
TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

December 8, 1975

Honorable Thomas B. Curtis
Chairman
Federal Elections Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

Dear Tom:

It was good to visit with you on the plane this morning. I appreciated your good words about my monthly public town meeting, "Dialogue With Litton", which is carried on several television and radio stations. The fact that 1,000 people each month (and as many as 1,700 on some months) would drive to Kansas City to question their Congressman and be advised as to what is happening in their government shows that people are not disinterested in their government, provided you make government available to them.

The fact that our program would draw a larger share of the TV audience than "Monday Night Football" in the district is a further indication that people are not "turned off" on politics, provided you give them a chance to "turn it on" in their homes and in a way that shows there can be a frank and candid discussion of the issues without the usual political overtones.

I thought you would find some of the enclosed editorials interesting. You will note the KANSAS CITY STAR in rebuttal to criticism of the program by Republicans defends it by pointing out how well-balanced the program is. The Moberly newspaper, in response to criticism by Democrats who object to my having leading Republicans as guests, defends it as a forum for an exchange of ideas between individuals of different political persuasions and not "just a showplace for the position of the Democratic Party".

The ALBANY LEDGER editorial refers to the program as, "a refreshing experience". It says, "It is how representative government is supposed to work. And, that is this country's hope."

Honorable Tom Curtis
December 8, 1975
Page 2

7704001063
Newspapers around the country have praised the program. When Republican Governor Kit Bond complained to the Republican National Committee about leading Republicans appearing on the program, the National Committee responded by saying they didn't consider the appearance of leading Republicans on my program as political. Shortly after Secretary Butz appeared on my program and Governor Bond complained to the National Committee, President Ford had a member of his staff on my program to defend the President's energy program. The following month we had Bo Callaway on my program to defend the President's Vietnam withdrawal of refugees. My guest in April will be the Chairman of the Republican House Conference, Congressman John Anderson (R-Ill.).

Tom, you realized the need for this kind of approach when you, as a Member of Congress, held these public town meetings in your district. At a time when public confidence is at an all-time low, our program is regaining confidence in government and taking government to the people.

I appreciate the kind things you and Vice Chairman, Neil Staebler, have said about "Dialogue With Litton". I am most pleased that both of you have indicated that the Commission wants to encourage this kind of approach and doesn't want to do anything that would discourage it.

I hope your staff that has been working on this matter shares your opinion and recognizes that through their decision they are determining the future of "Dialogue With Litton" and whether or not this idea is permanently killed by the FEC.

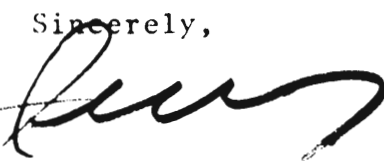
Tom, I ask only two things: (1) That the FEC realize the impact their decision will have on the entire concept behind "Dialogue With Litton" and not do anything that would destroy something that is being hailed by so many as one of the most refreshing ideas to come along in politics for a long time and (2) Please try to give us a decision as soon as possible. This decision-making process has been dragging on for months, and in the meantime, we continue to have more monthly meetings without knowing how the FEC will treat them in the future.

7704001063

Honorable Tom Curtis
December 8, 1975
Page 3

With best personal regards,

Sincerely,



JERRY LITTON
Member of Congress

JLmt
Enclosures

cc: Honorable Joan Aikens
Honorable Thomas E. Harris
Honorable Neil Staebler
Honorable Vernon Thomson
Honorable Robert Tiernan

77010060

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CITY STAR

West Ads. 271-6823—Circulation, 221-8200
Sports 421-8200—News, Business Office, 421-1200

The Litton Show Draws a Growl

Wednesday, February 19, 1975

One of the more amusing aspects of last weekend's Lincoln Day gathering of Republicans in St. Louis was the dismay voiced by Russell E. Sloan, a state revenue department official, that Republicans, particularly Ford administration officials, were appearing with Rep. Jerry Litton (D-Mo.) on Litton's television program.

Sloan noted that such Republicans as Earl Butz, secretary of agriculture, and Michael Duval, a member of the President's energy staff, had appeared on "Dialogue with Litton," which is carried by 10 regional television stations and nearly 50 radio stations. By doing so, Sloan said, Butz and Duval were furthering the ambitions of a Democrat "who wants to run for the Senate so bad he can taste it."

It looks like a classic case of sour grapes, not only because Litton soundly defeated Sloan in 1972 for the 8th Congressional District seat, but because it seems pretty obvious that the Republicans wished one of their own had come up with the idea first.

Indeed, Litton has hit a gold mine. Here is a low-budget show underwritten by 600 dues-paying members of Litton's "Congressional Club," a slick, interesting feature that satisfies the need of television stations for public affairs programming. And for a politician with growing ambitions (and it appears that Litton does have

ambitions, despite his protestations that he is happy where he is), it is the perfect vehicle for familiarizing the voters with his face and positions on the issues.

What Sloan and other Republicans seem unwilling to admit is that "Dialogue with Litton" might just work in their favor, too. So far the edited shows have provided a good balance between Litton's views and those of his guests—at least that is the feeling of station program directors who have aired the shows. If Litton were using electronic trickery to make his adversaries look like fools there would be reason for the Republicans to boycott the program. But so far that hasn't been the case—at least there are no reported complaints from Butz or other guests that their words were twisted somewhere between the camera and the home television screen.

What has been seen is some lively dialogue on important issues. Not only are Litton's views heard by a large number of persons, but just as importantly the Ford administration has been given the opportunity to set its views out at a more-or-less grass roots level.

It's an inexpensive way for the Republicans to get their side of the story before the public. Certainly less expensive than starting their own television program and debating Democrats like, say, Jerry Litton.

THE PAPER

Controlled Circulation Area

24 Pages

March 19, 1975

4 Sections

Moberly, Mo.

Price 20 Cents

Litton's Dialogue...it's Essential!

We were invited...but could not attend...this Sunday's session of "Dialogue with Litton," in Kansas City.

This monthly television program hosted by Missouri's Sixth District Congressman, Jerry Litton, has become a matter of controversy within the Democratic Party. Members of the party claim that Litton has had too many Republicans on the air with him, as opposed to the number of Democrats.

We have no idea how the count would break down. We don't really care.

Never in the almost 200 year history of our country has one political party been able to answer all our questions or solve all our problems. We believe Jerry Litton is a man who also knows and believes this.

We commend Jerry for his courage to make his monthly program a forum for exchange of ideas between individuals of different political persuasion. Litton's show is just what the title says it is, a "Dialogue" and not just a showplace for the position of the Democratic party.

We believe that Jerry Litton is sincerely trying to work with all factions in government to select the best views, ideas and leadership that will help this country...not just a political party...prosper. There must be a forum for all views in America...and Litton is helping to provide it. And we appreciate it.

The Albany Ledger

AUGUST 13, 1975

Refreshing experience

Regardless of your personal politics, Gentry Countians are fortunate to have representation like that provided by Congressman Jerry Litton.

We were afforded the opportunity last Sunday to attend a "Dialogue With Litton" program at a hotel near the Kansas City International Airport and it was an example of grass roots politics at the level which America needs today.

Whether you agree with Rep. Litton or not, persons in this Congressional District are most fortunate to have a monthly opportunity to come face to face for an extended question-and-answer session with their representative, as well as one of the outstanding and/or presently important personalities in Washington.

This kind of happening just isn't commonplace today, al-

though we understand that several of his colleagues have adopted a program of similar format in their districts. Under the modus operandi of politicians we are accustomed to, and a couple of them were nationally prominent (for one reason or another), we got a look at them once every so often, usually around election time or for a meet-and-eat session where they would stand up and pass a few platitudes about God, flag and motherhood.

Just the opposite seems to be the pattern for Mr. Litton. He apparently thrives on personal contact with his constituents and speaks his mind as he answers any and all questions from his audience. And you wouldn't have to be a badge-wearing Litton supporter to come in and speak your mind. The doors are open to any and

all. If you want to make the effort to get there.

The conversation during the 90 minutes Sunday ranged from the prospects for the Missouri corn crop this year, to the grain sales to Russia, to school busing and opportunities for minorities, to the pending energy bill, to the Congressman's personal opposition to the cost of living pay increase for Congress and extended vacations from Washington sessions when there is work to be done. He didn't cull anyone — although he flatly told one man he didn't know the answer to his question, but he would check on it. (And we'd like to bet that fellow gets an answer, too, when the facts are checked.)

It was a refreshing experience. It is how representative government is supposed to work. And, that is this country's hope. (JRF)

OFFICIAL FILE COPY
OFFICE OF SENATE COUNCIL

Bethany Republican-Clipper

Bethany, Missouri 64424

214 North 16th Street

WEDNESDAY, February 26, 1975

The Jerry Litton phenomenon

Citizens of the sixth congressional district these past few years have been treated to an exciting political phenomenon—Congressman Jerry Litton. Northwest Missouri's third-year Congressman has put the sixth district on the political map. He's one of the most exciting personalities ever to come out of this section of Missouri which has been practically devoid of strong political figures compared to other parts of the state with their Champ Clarks, Thomas Hart Bentons and Harry Trumans.

What separates Litton from some predecessors is his upward mobility. He's made no secret of the fact that he has ambitions for higher elective office. In fact, he told one local leader that he wants to be the President of the United States.

There's little doubt around here that he'll give that goal his best shot. If he misses the presidency, it won't be for want of effort, but rather it will be the result of political fate.

Since becoming our congressman, Jerry Litton has brought about a new political enthusiasm among formerly apathetic Northwest Missouri voters. Now many persons around here are involved in current

affairs and they're talking politics with a new enthusiasm.

Much of the credit for the turnabout, of course, must go to the men and women who serve as his political advisers. We don't know the name of the individual who thought up Litton's congressional club, but the idea was nothing short of genius. The congressional club—known on TV as the "Dialogue With Litton"—has given an opportunity for Litton's constituents to meet political and government leaders from Washington, D.C. The television program has drawn widespread viewership in Missouri (we understand it outdraws Monday Night Football) and even in the adjoining states of Illinois, Iowa, Kansas and Nebraska. The people in those states have witnessed a new type of politics which they have never seen from their own congressmen.

The Litton Phenomenon is something that entrances both Republican and Democrat voters. Some may criticize Litton as a big spender, as a slick campaigner, as too ambitious. But by the same token, he is building a political career that someday will make him as well known on a state and national basis as he is known in the sixth congressional district.

PRAT ELECTION COMMISSION
FICIAL
OFFICE OF GENERAL COUNSEL

(OVER)

CA-002-75

LAW OFFICES
PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET, N W
WASHINGTON, D. C. 20006
AREA CODE 202 331-1005

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

2000 I. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

November 13, 1975

Mr. David Spiegle
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Spiegle:

As you requested we have given some thought to the status of the Dialogue with Litton program under the F.E.C.A., as amended. Our position is that the Dialogue with Litton fund is an office account maintained by Congressman Litton to communicate with his constituents. As such, any FEC advisory opinion or regulation dealing with office accounts should apply in a prospective manner to Dialogue operations.

Nevertheless, it has been suggested that certain payments made from the Dialogue office account assumed the character of "expenditures", as that term is defined in the Act, once Congressman Litton began making payments to determine if he should run in the Missouri Senate primary. It has been suggested further that expenditures of this nature may have been made after May 1, 1975. This would lead to the conclusion that certain Dialogue payments made after May 1 should be charged to Congressman Litton's 18 U.S.C. §608 expenditure limit for a Senate race.

In the event the Commission deems that some expenditures should be so charged, we proposed they be computed in the following manner:

First, the costs of Dialogue should be computed for each month from May 1 to the present.

Second, the total listening or viewing population in Missouri of all stations broadcasting the Litton program should be computed for the months involved and for the time slots in which the program was broadcast by each station. Relevant listener or viewer figures are available from the stations.

Third, the total listening or viewing population in Missouri of stations not serving the Congressman's district should be computed for the months involved and for the time slots in which the program was broadcast by each of these stations.

FEDERAL ELECTIONS COMMISSION
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OFFICE OF CHIEF COUNSEL

Fifth, the figures derived in paragraph 4 may be deemed expenditures chargeable to the Congressman's limit.

We are currently in the process of obtaining relevant figures from the stations in question. As soon as these figures are available, we shall make the computations above and provide you with the resulting figures. We anticipate the percentage will not be in excess of 10%. I hope to be able to discuss this formula in more detail with you at our meeting tomorrow.

Very truly yours,

Robert Thomson

Robert Thomson

RT : me

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CA-002 75
November 10, 1975

The Honorable Thomas Curtis
Chairman
Federal Elections Commission
Washington, D.C.

Dear Sir:

I understand ~~I~~ that the Federal Elections Commission is investigating the senatorial candidacy of Congressman Jerry Litton.

I know Litton personally and feel compelled to advise your investigators that his statements are frequently at variance with the truth. I have a deep belief in the FEC and the integrity of our election process and feel it is essential that in this investigation you not allow a clever politician to deceive you.

I have been told that in a letter to the FEC around July 15, 1975 Litton asserted that he is not a candidate and had not even asked anyone to support him for the Senate. I am sure that any one of hundreds of people could tell you that this is not true. For example, I am enclosing a letter that Litton's future Administrative Assistant, John Ashford, wrote to Litton 2 months before Litton's letter to ~~xxx~~ the FED saying he hadn't even asked anyone to support him. You will note Litton had obviously already asked Ashford to assume a top staff position in the campaign. Detailed campaign strategy for the Senate race is discussed in very definite, positive terms. I am also giving you a copy of a memo Litton wrote his staff, which has been circulating around, that reflects this same positive attitude regarding a Senate race. It also reflects a disturbing tendency to use a Congressional office to support political objectives.

One further insight into the way Litton operates. I believe he wrote to the ~~FED~~ in mid-August that his actions were based on careful reading and accurate interpretation of the campaign law. Yet notice ~~f~~ the attached newspaper clipping three weeks later where he says he can't possibly be guilty of any wrong-doing because he doesn't know what the law says! It is ironic and just that your investigators and lawyers may ultimately agree with the duplicitous statement Litton fed the press.

I am sure you have know reason to question the authenticity of the enclosures, but invite you to verify them with former Litton employees.

Yours truly,

Since I know Jerry and he has told me that he has asked that the entire FEC investigation be made public, I hope you can understand why I prefer not to sign this letter.

FEDERAL ELECTIONS COMMISSION
OFFICIAL COPY
OFFICE OF GENERAL COUNSEL

File
5-16-75
Grand



MAY 8 1975
Ed

CA-002 75

JAMES C. KIRKPATRICK
SECRETARY OF STATE

STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE
JEFFERSON CITY 65101

314 / 751- 3279

May 13, 1975

Dear Jerry:

77
The lead editorial in the Saturday KANSAS CITY TIMES caught my eye. Of course, our office has long been involved in voter registration and voter turnout drives. After thinking about your candidacy, it occurs to me the success of these efforts may, in large part, determine the success of your primary campaign.

77
It seems to me your chances of beating Warren Hearnes would be infinitely greater in a general election where the large, Independent block of voters would be casting ballots. Their opinions, so easily influenced by fleeting impressions from stories in news reports would, I think, tend to be anti-Hearnes.

77
The problem comes with the increasing trend of non-partisan identification among voters. The percentage of Independents is at an all-time high, nearly 40 percent.

77
The refusal of many Independents to vote in a partisan primary may also help Jim Symington. It would seem to me he would enjoy a much higher percentage of name identification and Symington loyalty among active Democrats than among the general voting populace.

In other words, the more Independents we get to vote in the August, 1976, primary, the better the chance of Jerry Litton winning a victory. This is particularly true in Western Missouri, particularly the non-faction controlled wards of Jackson County.

Consequently, it seems to me that encouraging voter turnout and increased citizen participation is not only a worthy goal, but should be an essential part of our campaign strategy. This is also an area in which we can work especially close with labor organizations.

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Honorable Jerry Litton
May 13, 1975
Page two

file 5-16-75
Good

CA 004-75

Looking forward to visiting with you about this and other plans for the campaign. I have been giving particular thought in recent days to how we can make inroads in some of the endorsements now going to Hearnese. It seems to me that while he may be making some headlines now, he hasn't captured anything we wouldn't have expected him to.

Further, it seems to me there are some endorsements still waiting to be made whose actual vote production may be better than those which Hearnese has been receiving. Certainly Mary Gant's organization, Bob Young's in St. Louis County and Dutch Newman's in the Westport area should be eager to go with the winner. I believe we stand a good chance of convincing them that Jerry Litton is exactly the winner they are looking for.

Look forward to seeing you next Tuesday.

Sincerely,

John
JOHN ASHFORD
Administrative Assistant

Honorable Jerry Litton
United States Representative
1005 Longworth House Office Building
Washington, D. C. 20515

lw

Enclosure

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CA 002-75

To: Staff

April 23, 1975

From: Congressman Litton

RE: 1976 Senate race

As you know, Senator Stuart Symington announced yesterday he would not seek re-election. I am also sure each of you knows how this announcement affects this office.

I have been extremely satisfied with the way the staff has performed. We have done, and are doing things that are being copied by many Congressional offices (some many years our senior) on the Hill. I think we handle more mail and in a better way than any other Congressional office. I think we give more personal attention to the mail than most offices. I am confident we come up with more and better legislative ideas in a wider area than any other Congressional office. Our "Dialogue With Litton" is the talk of the Hill.

However, with the announcement of Senator Stuart Symington, we need to reassess our office and the office staff as it relates to what may be a hard-fought Senate campaign. I need to look at the personnel I have and see how that personnel would fit into the campaign picture. I also need to look at present office procedures to see if everything that should be done to improve my position on a state-wide basis is being done. Each of you needs to look at what you are doing individually and ask the question....am I doing everything I should or could do and as well as it should or could be done?

We need to make better use of:

1. The mag card typewriters in terms of pumping out more mail to more people.
 2. The card file in terms of seeing that I have the most up-to-date card of the writer of the incoming letter so as to be able to personalize the outgoing letter.
 3. The cards themselves in terms of putting information on the card that would identify the person at a later date as one who supports me and likes what I am doing.
- FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
LEGISLATIVE COUNSEL

We also need to do a better job at handling visitors as they come to the office, so they feel important and not in the way. We need to answer all mail and respond to all telephone calls. Yes, all of this involves more work, but it could result in a better job for everyone, including yours truly.

I'll close with two very important comments...

1. What I said (in letters, etc.) via my staff in the past was not studied (word for word) as will be the case now.

I was a first or second term Congressman from North Missouri yesterday. Today, I am considered by many as a leading candidate for the U. S. Senate. This means people will be reading between the lines of my (your) letters. They will be passing the letters around to others. This means that everyone needs to be very careful about what they say about everything. This doesn't mean we shouldn't take a stand on the issues, but it does mean the luxury of "shooting from the hips" will no longer exist for this office. Write every letter and statement as if it were to appear on the front page of every newspaper in Missouri. If you keep that in mind, we will be alright.

2. There is still some friction in this office. It could be tolerated in the past. It cannot be tolerated now. Time is too short, and there is too much work to be done. In the past, I tried to let these personal problems work themselves out. I even permitted them to exist. This too is a luxury we cannot now afford. Everyone on the staff must get along with everyone else. If you haven't been, I expect you to try. More important, I expect you to succeed. If you don't, we'll find someone to do your job who can.

All of the above is meant to say that starting today, we approach our job with a little different perspective than we have had in the past. The whole State will be watching us. As we get closer to the Senate decision the Nation will be interested in what we are saying and how we say it. We must keep this in mind as we say it. We must also do it as a team.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Spending Inquiry On Litton

By LAWRENCE E. TAYLOR
The Washington Correspondent

WASHINGTON, Sept. 10 — Auditors from the Federal Election Commission have begun an examination of the books and expenditures of Representative Jerry Litton (Dem.), Chillicothe, to determine whether he has spent any funds as a candidate for the United States Senate.

Litton contends that he has not. He says that he is leaning toward running for the office but has not made a decision. But his potential opponents say that money he spends for trips around the state and other politically helpful items should count against the \$270,000 limit for Senate candidates.

A spokesman for the election commission said Monday that Litton was cooperating completely with the inquiry.

John Ashford, Litton's administrative assistant, said that all of Litton's office and personal records had been offered to the auditors. These include Litton's business accounts from his office, his 1974 congressional campaign records, his house stationery and supplies account, his personal checkbook and records from his television program, "Dialogue with Litton."

The auditors have not decided whether to examine Litton's personal accounts, Ashford said.

"I've just turned all the books over to them," said Litton in an interview. "We can't have done anything wrong because we don't know what the law is."

The Election Commission spokesman noted also that many aspects of the new campaign law were still open to interpretation.

Of the principal potential Senate candidates in Missouri, only Litton has not opened a campaign committee. This has brought some protests from others including the Republican Attorney General, John C. Danforth, Representative James W. Symington (Dem.), Ladue, and former Gov. Warren E. Hearnes, a Democrat.

Litton has said that none of his expenditures should be counted against the limit because he is not a declared candidate. However, Hearnes is a declared candidate, and Litton has said that the former Governor should report his expenses against the overall ceiling.

The Election Commission inquiry is expected to take several weeks.

Democrats In House Back Open Caucus

WASHINGTON, Sept. 10 (UPI) — House Democrats voted Monday to open their party caucus to the public when legislative policy is

shop thursday,
friday and
saturday
9:30 a.m. to 10 p.m.



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OFFICE OF GENERAL COUNSEL

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The Hon Thomas Curtis
Chairman
Federal Election Commission
1325 "K" Street, NW
Washington, D.C. 20543

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CA0002-75

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FEDERAL ELECTION
COMMISSION

'75 OCT 28 PM 5:24

The Hon. Thomas Curtis
Chairman
Federal Election Commission
1325 "K" St., NW
Washington, D.C. 20463

Dear Chairman Curtis:

I have been told that the Federal Election Commission is investigating Congressman Jerry Litton to determine when he qualifies as a candidate for the Senate under the law and when his expenditures should be counted towards his campaign limit.

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

I thought the attached information might be helpful to you. If you would like additional information you might want to call former Litton staff people, such as Barbara Wadsworth, now working for Congressman Randall, or Betty Lamb, now working for Senator Gary Hart.

From a friend.

THE MORNING OF

To: Staff

April 23, 1975

From: Congressman Litton

RE: 1976 Senate race

As you know, Senator Stuart Symington announced yesterday he would not seek re-election. I am also sure each of you knows how this announcement affects this office.

I have been extremely satisfied with the way the staff has performed. We have done, and are doing things that are being copied by many Congressional offices (some many years our senior) on the Hill. I think we handle more mail and in a better way than any other Congressional office. I think we give more personal attention to the mail than most offices. I am confident we come up with more and better legislative ideas in a wider area than any other Congressional office. Our "Dialogue With Litton" is the talk of the Hill.

However, with the announcement of Senator Stuart Symington, we need to reassess our office and the office staff as it relates to what may be a hard-fought Senate campaign. I need to look at the personnel I have and see how that personnel would fit into the campaign picture. I also need to look at present office procedures to see if everything that should be done to improve my position on a state-wide basis is being done. Each of you needs to look at what you are doing individually and ask the question....am I doing everything I should or could do and as well as it should or could be done?

We need to make better use of:

1. The mag card typewriters in terms of putting out more mail to more people.
2. The card file in terms of seeing that I have the most up-to-date card of the writer of the incoming letter so as to be able to personalize the outgoing letter.
3. The cards themselves in terms of putting information on the card that would identify the person at a later date as one who supports me and likes what I am doing.

We also need to do a better job at handling visitors as they come in the office, so they feel important and not in the way. We need to answer all mail and respond to all telephone calls. Yes, all of this involves more work, but it could result in a better job for everyone, including yours truly.

I'll close with two very important comments...

1. What I said (in letters, etc.) via my staff in the past was not studied (word for word) as will be the case now.

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All of the above is meant to say that starting today, we approach our job with a little different perspective than we have had in the past. The whole State will be watching us. As we get closer to the Senate decision the Nation will be interested in what we are saying and how we say it. We must keep this in mind as we say it. We must also do it as a team.

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CA 002-75

10 OCT 1975

Mr. John Ashford
Administrative Assistant to
Congressman Jerry Litton
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Ashford:

It is the opinion of the General Counsel's office that Section 616 of Title 18, United States Code clearly states that a Federal officeholder may not accept honorariums in excess of \$15,000 in any one calendar year. The statutory language is not ambiguous nor does it allow for any conclusion other than that set forth in Section 616(1). Section 616(1) states that a Federal officeholder may not accept an honorarium in excess of \$1,000 excluding amounts accepted for actual travel and subsistence expenses. Therefore, an amount received as an honorarium must be counted as an honorarium. Unreimbursed travel or subsistence expenses do not increase the limitation on honorariums established by Section 616. In specific response to your question, Congressman Litton's honorariums may not exceed \$15,000 per year by an amount equal to his unreimbursed travel expenses.

I trust this answers your question. If I may be of any further assistance please do not hesitate to write to me.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

SSchachman:mpc:10/9/75

cc: Lan Potter
Jack Murphy
Drew McKay ✓
Peter Roman
Stephen Schachman



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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1975

Ms. Wilhelmina Roberts
592 Virginia Avenue
St. Louis, MO 63119

Dear Ms. Roberts:

I apologize for any inconvenience I may have caused you. I thought I had taken the necessary steps for placing your name on the mailing list, obviously I did not. The responsibility must rest with me. Enclosed please find copies of our rulings to date including a copy of proposed regulations. You will note the comment period on the regulations ends October 29, 1975.

I have spoken with a member of the Public Communications Office and have been assured you will be placed on the mailing list. If I may be of further service please do not hesitate to write.

Sincerely yours,

Stephen Schachman
Assistant General Counsel

Enclosures



FEDERAL ELECTION
COMMISSION

75 OCT 2 7 AM 9:49
October 2, 1975

Mr. Stephen Schackman
Assistant General Counsel
Federal Elections Commission
Washington, D.C.

Dear Mr. Schackman:

First, let me remind you who I am. You were kind enough to phone several weeks ago to inform me that my name might surface in news stories relating to an investigation being conducted by your office. That was because of an inquiry I made of your office last June concerning a Missouri congressman's misunderstanding of the definition of "candidate" in PL 93-443.

During our conversation you said you would place my name on the mailing list to receive copies of the Commission's actions, including rules, regulations, interpretations and advisory opinions. Did you forget me, or does one need an official title and organization affiliation to get on that mailing list? As the single individual most responsible for Missouri's new campaign finance law (that may be cause for more blame than praise), I'm still burdened with many chairmanships as we continue to monitor our commission's performance. If it's a title that is needed to get me on the mailing list, use the one below.

Many thanks.

Sincerely,

Wilhelmina Roberts

Wilhelmina Roberts, Chairman
Election Reform Task Force
Citizens for Better Politics
592 Virginia Avenue
St. Louis, Mo. 63119

7904014230

LAW OFFICES

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET, N W

WASHINGTON, D C 20006

AREA CODE 202 331 1005

EMANUEL ROUVELAS
JONATHAN BLANK
ROBERT N THOMSON
TOVAH THORSLUND'

*NOT A MEMBER OF THE DISTRICT OF COLUMBIA BAR

2000 I B M BUILDING
SEATTLE, WASHINGTON 98101
206-623-7580

September 29, 1975

Mr. Stephen Schachman
Deputy Assistant General Counsel
For Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Schachman:

We have completed a thorough review of all payments made by or on behalf of Congressman Jerry Litton since January 1, 1975. As you know, Congressman Litton does not consider himself a candidate for the U.S. Senate. However, some expenditures were made from the Congressman's personal funds during the second quarter of 1975 to determine if he should become a candidate. Should you determine these expenditures are reportable under the F.E.C.A., they will be included on the third quarter Report of Receipts and Expenditures filed by the Missourians for Litton Committee, a political committee registered with the Secretary of the Senate and the Missouri Secretary of State on September 26, 1975. The report will, of course, include all third quarter expenditures as well.

For your convenience, we have listed below second quarter payments made to determine whether Congressman Litton should become a Senate candidate. In addition to that list, we have also itemized and categorized other payments that were made during the period in question. None of these additional payments were made with respect to the Senate primary.

Hopefully, our action coupled with your audit, will lead to a speedy resolution of this matter and enable you to conclude your investigation on a positive note. We remain ready, as before, to answer any questions you may have with respect to this information.

1. Reportable Expenditures from the Second Quarter

If you determine it is necessary, the Missourians for Litton Committee will report certain second quarter expenditures on its third quarter Report of Receipts and Expenditures.

The following is a list of those expenditures, totalling \$654.78, with reference to travel items appearing in Attachment 1:

(TRAVEL ITEM 55)

May 1, 1975	Bel Air Hotel St. Louis, Mo.	Overnight accomodations in connection with speech for State Rep. Williams	\$32.00
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(Also will be listed as a contribution in-kind of \$32.00 from Williams Dinner Committee)

(TRAVEL ITEM 59)

May 10, 1975	Ozark Airlines	Travel in connection with speech to Ozark Press Association	\$28.37 (pd.Check #713)
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(TRAVEL ITEM 59)

May 10, 1975	Howard Johnson's Springfield, Mo.	Overnight accomodations in connection with speech to Ozark Press Association	\$16.48 (pd.Check #709)
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(TRAVEL ITEM 68)

May 28, 1975	Trans-World Airlines	Transportation to St. Louis political meet- ings	\$36.35 (pd.Check #713)
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(TRAVEL ITEM 68)

May 28, 1975	Chase Park Plaza Hotel, St. Louis, Mo.	Overnight accomodations in connection with St. Louis political meetings	\$75.38 (pd.Check #709)
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Mr. Stephen Schachman
September 29, 1975
Page 3

(TRAVEL ITEM 71(d))

June 5, 1975	Plaza Inn Int'l Kansas City, Mo.	Refreshments and room for meeting with KC political leaders	\$218.11 (pd.Check #713)
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(TRAVEL ITEM 72)

June 7, 1975	Tan-Tar-A Lake Ozark, Mo.	Overnight accomodations in connection with speech to Central Mo. Press Association	\$48.13 (pd.Check #707)
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(TRAVEL ITEM 72)

June 7, 1975	Cong. J. Litton 1502 LHOB Wash, D.C.	Travel in Litton car to Central Mo. Press Association speech in Lake Ozark, Mo. - 440 miles at \$.10 per mile	\$44.00
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(Also reported as contribution from Litton)

(TRAVEL ITEM 75(b))

June 14, 1975	Alameda Plaza Hotel Kansas City, Mo.	Dinner, KC City Council	\$132.80 (pd.Check #715)
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(TRAVEL ITEM 75(e))

June 15, 1975	Plaza Inn Kansas City, Mo.	Breakfast with Mo. party officials	\$23.16 (pd.Check #718)
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TOTAL: \$654.78

In addition to the expenditures noted above, there are others that cannot be deemed campaign "expenditures", as that term is defined in the Federal Election Campaign Act, and interpreted by the Federal Election Commission. These are categorized below.

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2. Travel Outside of Missouri

None of Congressman Litton's travels outside of the State of Missouri were to influence the result of the Missouri Senate primary, nor did such travel have any appreciable impact on that election. Therefore, we feel expenses associated with the following travel items in Attachment 1 cannot be deemed expenditures for the Senate primary:

Out-of-State Travel

Items 1-11
Items 17-19
Items 21-22
Item 25
Item 27
Items 31-32
Item 36
Item 45
Item 53
Item 75(a)
Items 77-78
Item 82

Note that all but five of these travel items were in connection with honorarium speeches (See, Attachment 2). As discussed below, honorarium appearances are clearly outside the purview of the campaign laws, particularly when the appearances are outside the geographical boundaries of the relevant electorate and the incumbent officeholder is not an announced candidate.

Items 10-11 were travel in connection with the Congressman's appearance as a member of the House Agriculture Committee at a Consumer Affairs meeting in New York on January 20, 1975.

Item 24 was travel to Vail, Colorado for a vacation with the Litton staff on February 11.

Item 36 was travel to Southern Illinois University in Carbondale, Illinois for an Agricultural Seminar in Litton's official capacity as a member of the Agriculture Committee on March 14.

Item 53 was travel in connection with an appearance at an Iowa State FFA leadership conference in Sioux City in Litton's official capacity on April 25.

Mr. Stephen Schachman
September 29, 1975
Page 5

Clearly none of these expenditures were made for the purpose of influencing the result of the Missouri Senate primary.

3. Honorarium and Expenses Travel Within State

Items 12, 13, 15, 20, 46, 50, 62, 64, 69 and 74 represent travel in connection with honorarium speeches within the state. Neither the expenses associated with such travel, nor the honorariums themselves should be deemed "expenditures" or "contributions" for purposes of the F.E.C.A. Congress intended honorariums to be separately limited under the provisions of Section 616 of Title 18, U.S. Code.

However, the Commission has not recognized the distinction when candidates make honorarium appearances within the geographical boundaries of their electorate. See, AO 20, September 23, 1975. Under those circumstances, honorarium payments will now be deemed "contributions." Nevertheless, Congressman Litton was not a candidate for the Senate when he made these appearances. In fact, he was only a few months into his term as a Congressman. Even if the Commission decides to ignore the candidacy requirement in AO 20, no one has suggested that the ruling is retroactive before September 23.

Items 12, 13, 15, 20 and 46 all represented honorarium appearances before the incumbent Senator, Stuart Symington, announced his retirement on April 21. In no case should Litton contributions or expenditures before that date be attributed to the Senate campaign. See, Tennessee Guidelines, Fed. Reg. 43660, September 22, 1975, where effective resignation date of incumbent triggered running of the expenditure limitation period.

Items 62, 64 and 69 were commencement speeches to high schools, certainly not the type of appearances by a public official that should be deemed campaign-related except under the clearest of circumstances.

Item 58 was a speech to the Missouri Life Underwriters Association who were meeting in Congressman Litton's district on May 5. Item 71(c) was a speech to a statewide meeting of paint technologists meeting immediately adjacent to the district. We believe such appearances should be considered part of the official business of the Congressman as a host to conventions held in his district.

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OFFICE OF THE CLERK
U.S. SENATE

Item 74 was a speech to the Missouri Young Bankers Association on June 11 at Tan-Tar-A. The Congressman appeared in his official capacity as a member of the House Agriculture Committee to discuss agricultural matters of interest to the Missouri financial community,

Apparently, expense or honorarium payments of this type may now be covered by the rulings in AO 13 or AO 20. However, when Congressman Litton accepted these speaking engagements, the Commission had not yet issued these two Advisory Opinions. It would be entirely unfair to apply the rulings retroactively to Congressman Litton in the context of this investigation, without an across-the-board review of the 1975 honorarium activities of all Federal officeholders.

4. Constituent Service Within District

A great number of the Congressman's trips during this period were directly in connection with constituent service activities in his district. Even under the newest version of the office account ruling, such payments occurring during the first year of the Congressman's term, will not be charged to a Congressman's spending limit.

DISTRICT CONSTITUENT SERVICES

Items 14	49
24	52
28	56
33	61
38	66
41	71(a)
44	79

5. Other Official Travel as Member of Congress Within The State

Since Congressman Litton is the only member of the Missouri delegation on either the Senate or House Agriculture Committees, he receives numerous invitations to speak at Farm Bureaus and other agricultural gatherings throughout Missouri. Under the most recent version of the proposed office account regulation, he would be required to charge expenditures for such travel against his Section 608 spending limit during 1976, but not in 1975. Of course, Commission sources have indicated the regulation is not retroactive in any event.

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The Congressman should be allowed to speak upon invitation to agricultural groups throughout Missouri in his official capacity, subject to minimal restriction by the campaign laws. Congressman Litton has made such appearances ever since he became a member of the Agriculture Committee and long before he was ever mentioned as a possible Senate contender.

The Congressman was travelling in his official capacity in items 23, 29, 37, 39, 42, 63, 76 and 80. Note that only the last three appearances were made after the date Senator Symington announced his retirement.

6. Party Business

In travel items 34, 50 and 71(b), Congressman Litton was travelling as a party leader and attending regularly scheduled party events. For items 34 and 50, all party officeholders were invited to attend. Item 71(b) was for party business within his district.

As you know, Gerald Ford, an announced candidate for President, is currently travelling around the nation on "party business" at the expense of the Republican National Committee. The Commission has yet to attribute any of these travel expenditures to the Ford campaign. Congressman Litton, of course, was not an announced candidate and was not using funds from a political committee for travel expenses. Therefore, these expenses, though minor, will not be considered campaign-related.

When the Federal Election Commission attributes RNC travel payments to the Ford campaign, then Missourians for Litton may reconsider the status of these three travel items. Until that time, however, the Committee has no intention of reporting such payments as campaign expenditures subject to the Section 608(c) limits.

7. Miscellaneous Travel Items

Items 20, 30, 35, 40, 43, 47, 48, 51, 54, 65, and 81 represent return travel for trips in Sections 1 through 5 of this letter. Items 57, 60, 70 and 73 are also for return travel, but one or more of the activities that are listed as possible campaign expenditures under Section 1 took place on such trips.

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Mr. Stephen Schachman
September 29, 1975
Page 8

Item 57 was a return from a trip to Kansas City, (Items 55 and 56) for constituent work in the District. On the way to Kansas City, the Congressman attended the Williams dinner and stayed overnight in St. Louis. Since most flights to Kansas City stop in St. Louis, no extra expense was involved by virtue of the Williams dinner. Therefore, none of the travel expense to or from Kansas City need be apportioned for campaign purposes.

Item 60, coupled with Item 59, represents return travel from Kansas City, where the Congressman gave an honorarium speech, to Washington, D.C., with a stopover at Springfield, Missouri for a speech that arguably could have been for campaign purposes. The extra cost attributed to the stopover will be reported as a campaign expenditure, if required.

Item 70, as with item 60 above, is return travel with a stopover, where the extra cost of the stopover will be reported as a campaign expenditure, if required.

Item 73 represents return travel from a trip the predominate purpose of which was non-political. Congressman Litton flew to his district for constituent services and production of the Dialogue program (Item 71). While there, he hosted a meeting with political leaders and attended a press conference, both of which will be reported as campaign-related, if required (See, Section 1). However, the trip would have been made anyway, even without the political appearances. Therefore, only the extra travel and entertainment expenses should be reported as a campaign expenditure.

8. Office Expenses

Attachment 3 lists a number of payments made for office expenses during 1975. Even if the newest version of the proposed office account regulation were retroactive, the expenses would still not be chargeable against any Litton campaign limit. The proposed regulation extends only to those office expenses made during the last year of the Congressman's term.

9. Dialogue With Litton

The issues at the heart of the still-unresolved conflict over office accounts will determine how the Commission eventually will treat payments like those made to

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Mr. Stephen Schachman
September 29, 1975
Page 9

the Dialogue with Litton program. The Dialogue program is a series of monthly voter education meetings that Congressman Litton holds with his constituents to discuss issues of importance to his District and the Nation. Up to 2,000 constituents regularly attend such meetings, which feature question and answer sessions with the Congressman and a guest.

The program is financed entirely from constituent contributions and administered from a separate office account. No contributions are accepted from corporations or labor organizations and no contributors have given in excess of \$500 during any calendar year. The account is controlled by a not-for-profit corporation, with a non-partisan board.

The stated purpose of the program is to bring government to the people, and the great interest shown in the program proves that purpose is being achieved. Guests have included Administration figures, such as Secretary of Agriculture, Earl Butz and Secretary of the Army, Bo Calloway, Republican Congressman Jack Kemp, and a few of the Democratic Presidential hopefuls. The program is edited and shown throughout the Congressman's district on television. It has proved so popular that two television stations outside of the Congressman's district have broadcast the program to fulfill their public service commitments as Federal Communications Commission licensees.

The current version of the Commission's proposed office account regulation would apply Title 18 spending limits to office accounts generally during the last calendar year of a Congressman's term. Thus, the Litton Dialogue program would be subject to the limits during 1976, but only if the Commission determined that it was the type of activity meant to be covered by its proposed regulation.

Under no circumstances, however, can the 1975 Dialogue expenditures be deemed subject to the limits. First, during the office account hearings, Commission sources indicated that the Dialogue program may not be the type of activity meant to be limited by the proposed regulation. Second, no one has suggested that the proposed regulation should be applied retroactively. Third, even if the regulation were applied retroactively to the Dialogue program, all the expenditures took place during the first year of Congressman Litton's term. The regulation, as proposed, applies only to the second year of a Congressman's term.

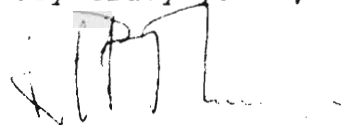
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1975-1976
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Mr. Stephen Schachman
September 29, 1975
Page 10

Therefore, none of the Dialogue donations or payments can be retroactively limited by the Commission. Furthermore, we feel the Commission should never regulate such activity under any of its regulations. A Congressman's communications with his constituents should not be limited just because they are extremely effective.

I trust you will find this information useful. We will be awaiting instructions from you concerning any additional reporting obligations of Congressman Litton or any committees working on his behalf.

Very truly yours,



Robert N. Thomson

RNT:jc
enclosures

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OFFICE OF GENERAL COUNSEL

JANUARY TRAVEL

<u>Item No.</u>	<u>Date</u>	<u>Origin/Destination</u>	<u>Purpose of Travel</u>
1.	January 8	DC/San Antonio	Honorarium speech - Agri-services Foundation, San Antonio
2.	January 9	San Antonio/Columbus, Ohio	Speech - Ohio Cattlemen's Association, Columbus, Ohio
3.	January 9	Columbus, Ohio/ New Orleans	Speech - Ark-La-Tex Agriculture Council, Shreveport, La.
4.	January 10	New Orleans/Shreveport	" "
5.	January 11	Shreveport/Colorado Springs	Honorarium speech - National Association of Animal Breeders, Colorado Springs, Colorado
6.	January 12	Colorado Springs/Denver	Honorarium speech - International Maine-Anjou Association, Denver, Colorado
7.	January 13	Denver/DC	" "
8.	January 16	DC/Boca Raton, Florida	Honorarium speech - Farm and Industrial Equipment Institute (1/16); Southwestern Aerial Applicators (1/17)
9.	January 19	Boca Raton/DC	" "
10.	January 20	DC/New York	Official capacity - attendance at Consumer Affairs Meeting, New York, Cong. & Mrs. Litton
11.	January 21	New York/DC	" "
12.	January 21	DC/Lake of Ozarks, Mo.	Official capacity - speech to Missouri Agricultural Industries Council, Lake of Ozarks, Mo.

FEBRUARY TRAVEL

19. February 1 New Orleans/DC See Item 18
20. February 3-4 DC/St. Louis/DC Honorarium speech - Federation of Land Bank Associations, St. Louis, Mo.
21. February 6 DC/Vail, Colorado Personal expenses - bonus to staff in form of ski trip to resort area, staff travel and personal
22. February 11 Vail, Colorado/Spokane, Washington Honorarium speech - Pacific Northwest Farm Forum
23. February 12 Spokane, Washington/Columbia, Mo. Official capacity - speech to Missouri State Department of Conservation
24. February 13 Columbia, Mo./Kansas City Constituent service - appearance on Kansas City media serving district, Speech to Boy Scouts, DIALOGUE
25. February 15 Kansas City/Lincoln, Nebraska/Kansas City Honorarium speech - O.A. Cooper & Co., Lincoln, Nebraska
26. February 16 Kansas City/DC Return travel for Items 21-25
27. February 20 DC/Phoenix Honorarium speech - US Feed Grains Council, Scottsdale, Arizona; JL and staff, staff travel to Nevada
28. February 21 Phoenix/Kansas City Constituent service - Excelsior Springs Bicentennial speech, Speech at Western Hardware Convention, Orrick Farm Service Appreciation Day (all in district)

- | | | | |
|-----|---------------------------|--------------------------------|---|
| 29. | February 21 | Kansas City/Joplin/Kansas City | Official capacity - speech to Barton County Farm Bureau |
| 30. | February 23 | Kansas City/DC | Return from speaking engagements and constituent work |
| 31. | February 27-28, March 1-2 | DC/Paris, France/DC | Official capacity - attendance at International Food Conference |

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OFFICE OF THE COMMISSIONER
STATE COUNCIL
FILE 60-1

MARCH TRAVEL

32.	March 7	DC/Fort Worth, Texas	Honorarium speech - New World Agricultural Seminar, Fort Worth
33.	March 7	Fort Worth/Kansas City	Constituent services - speech to Adair County Soil and Water District, breakfast with Kirksville Chamber of Commerce
34.	March 8	Kansas City/Hannibal/ St. Louis (by private automobile)	State party business - attendance at Statewide Party meeting at which all major party officeholders in Mo. were invited to attend; Overnight in St. Louis after day-long session in Hannibal.
35.	March 9	St. Louis/DC	Return travel in connection with items 32 through 34
36.	March 14	DC/Carbondale, Illinois	Speech at Southern Illinois University Agricultural Seminar in official capacity
37.	March 14	Carbondale/Sikeston, Mo.	Speech to New Madrid Farm Bureau in official capacity
38.	March 15	Sikeston/Kansas City	Constituent service in district; DIALOGUE production
39.	March 15	Kansas City/Knob Noster, Mo./Kansas City	Speech in official capacity to Knob Noster Chamber of Commerce (Outside of district)
40.	March 16	Kansas City/DC	Return travel in connection with items 36-39
41.	March 20	DC/Kansas City	Constituent service, coffee at Princeton; speech to Mo. Fed. Womens Clubs; speech to Livingston County Farm Bureau; Honorarium speech to Linn County Pork Producers (all in district)

FEDERAL ELECTION COMMISSION
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- | | | |
|--------------|---|--|
| 42. March 21 | Kansas City/Columbia, Mo./
Kansas City (private
automobile) | Speech in official capacity
to Adrian County Farm Bureau,
Columbia, Mo. (outside of
district) |
| 43. March 23 | Kansas City/DC | Return travel in connection
with items 41 and 42 |

770-1000

APRIL TRAVEL

44.	March 31	DC/Kansas City	Constituent Service - speeches to Kansas City Chamber of Commerce, Lathrop and Lawson Rotary Clubs, 3 schools in Liberty North Kansas City, COE, schools in Platte City and St. Joseph, Clinton County Farm Bureau; visits to Chillecothe and Brookfield (all in district)
45.	April 4	Kansas City/San Antonio, Texas/Kansas City	Honorarium speech to San Antonio Chamber of Commerce Agribusiness Conference
46.	April 5	Kansas City/Springfield, Mo.	Speech to Drury College in official capacity
47.	April 6	Springfield, Mo/St. Louis	Three-hour layover at airport in St. Louis; no activities
48.	April 6	St. Louis/DC	Return travel in connection with Items 44-47
49.	April 11	DC/Kansas City	Constituent service - speech to RFK symposium at Univ. of Mo, KC; DIALOGUE production (all district related)
50.	April 11	Kansas City/Springfield, Mo./Kansas City	State party business - speech to Mo. Young Democrats during attendance at state-wide political meeting, all Cong. invite to attend
51.	April 13	Kansas City/DC	Return travel in connection with Items 49-50
52.	April 25	DC/Kansas City	Constituent service and party business - speech to Lee's Summit Democrats, speeches at

52. Continued

Macon, Shelbina, Bicentennial speech at Richmond (all in or adjacent to district); Also honorarium speech to Mo. Bar Association

53. April 25 Kansas City/Sioux City,
 Iowa/Kansas City

Speech in official capacity to Iowa State FFA Leadership Conference in Sioux City, Iowa

54. April 27 Kansas City/DC

Return travel in connection with Items 52 and 53

770-1010-067

FEDERAL ELECTION COMMISSION
APR 25 1974
OFFICE OF GENERAL COUNSEL

MAY TRAVELS

- | | | | |
|-----|--------|--|--|
| 55. | May 1 | DC/St. Louis | Speech at dinner honoring state representative Fred Williams of St. Louis |
| 56. | May 2 | St. Louis/Kansas City | Constituent service - speeches to Smithville Bicentennial, Worth County Jaycees, United Community Services, Graham FFA, and participate in other community activities (all in district) |
| 57. | May 5 | Kansas City/DC | Return travel in connection with Items 55 and 56 |
| 58. | May 9 | DC/Kansas City | Speech to Missouri Life Underwriters meeting in district |
| 59. | May 10 | Kansas City/Springfield, Mo. | Speech to Ozark Press Association |
| 60. | May 11 | Springfield, Mo./DC | Return travel in connection with Items 58 and 59 |
| 61. | May 15 | DC/Kansas City | Constituent service - speech to Missouri Western University Commencement, Kansas City Chamber of Commerce National Affairs Committee, DIALOGUE production, American Angus Association meeting in district, Carrollton High School commencement (all in district) |
| 62. | May 16 | Kansas City/Warrensburg, Mo./Kansas City | Honorarium speech at high school commencement (outside of district) |
| 63. | May 17 | Kansas City/Lake of the Ozarks/Kansas City | Speech to Special capacity to Forest Products Association (outside district) |

FEDERAL ELECTION COMMISSION
 OFFICE OF THE CLERK
 1100 K STREET, N.W.
 WASHINGTON, D.C. 20543

JUNE TRAVEL

71.	June 6	DC/Kansas City	<ul style="list-style-type: none"> a. Constituent service - DIALOGUE production b. Party business - speech to Clinton County Women's Democratic Club c. Speech in official capacity to statewide meeting of Paint Technologists (adjacent to district) d. Cocktail party with area political leaders after DIALOGUE production
72.	June 7	Kansas City/Tan-Tar-A, Mo./Kansas City	Speech to Central Missouri Press Association - private car - 440 miles
73.	June 8	Kansas City/DC	Return travel in connection with Items 71-72
74.	June 11	DC/Tan-Tar-A, Mo./DC	Speech to Missouri Bankers Association; No honorarium but expenses paid by bankers; appearance in official capacity
75.	June 14	DC/Kansas City/DC	<ul style="list-style-type: none"> a. Appearance in Leavenworth, Kansas on Martha Keyes Congressional Forum b. Dinner with Kansas City City Council members c. Breakfast with Missouri Democratic Committee, State Treasurer
76.	June 20	DC/Tan-Tar-A, Mo.	Speech to Central Soya Conference in official capacity
77.	June 20	Tan-Tar-A/Louisville, Ky.	Honorarium speech to American Jersey Cattle Club in Louisville
78.	June 21	Louisville/Denver, Colorado	Honorarium speech - Colorado Cattlemen's Association, Denver, Colorado

FEDERAL ELECTION COMMISSION
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ATTACHMENT 2

Date	Sponsor	Location	Total Receipts	Est. exp. & billing	Actual expenses	Est. hon. & billing	Cor-rected hon.	Unreim-bursed expenses
1/8	Agriservices Foundation	San Antonio, TX	805.47	305.47	305.08	500.00	500.39	
1/9	Ohio Cattlemen's Association, Inc.	Columbus, OH	102.73	102.73	66.37	-0-	36.36	
1/10	Ark-La-Tex Agricultural Council	Shreveport, LA	253.47	253.47	244.13	-0-	9.34	
1/11	National Association of Animal Breeders	Denver, CO	829.47	329.47	96.87	500.00	732.60	
1/12	International Maine-Anjou Association	Denver, CO	829.47	329.47	96.87	500.00	732.60	
1/14	White Farm Equipment Company (film)	Washington, D.C.	500.00	-0-	-0-	500.00	500.00	
1/16	Farm and Industrial Equipment Institute	Boca Raton, FL	674.73	174.73	174.74	500.00	499.99	
1/17	Southeastern Aerial Applicators	Ft. Walton Beach, FL	300.00	-0-	-0-	300.00	300.00	
1/21	Mo Ag Industries Council, Inc.	Tan-Tara, MO	140.71	140.71	184.74	-0-	-0-	44.03
1/24	Trojan Seed Company	St. Joseph, MO	1,030.19	530.19	530.16	500.00	500.03	
1/25	Mississippi Valley Farm Equipment Association	St. Louis, MO	676.73	176.73	241.20	500.00	435.53	
1/29	Southeastern Poultry and Egg Association	Atlanta, GA	1,150.73	150.73	150.74	1,000.00	999.99	
1/30	Deep South Farm and Power Equipment Association	New Orleans, LA	725.88	725.88	725.88	-0-	-0-	
2/3	Federal Land Bank Association	St. Louis, MO	640.71	140.71	184.74	500.00	455.97	
2/11	Spokane Chamber of Commerce	Spokane, WA	944.00	944.00	1,032.00	-0-	-0-	88.00
2/15	O. A. Cooper Company	Lincoln, NE	754.41	754.41	1,077.44	-0-	-0-	323.03
2/21	U. S. Feed Grains Council	Scotsdale, AZ	764.23	764.23	764.23	-0-	-0-	
2/21	Barton County Farm Bureau	Lamar, MO	61.73	61.73	61.74	-0-	-0-	.01
2/22	Western Association	Kansas City, MO	728.73	228.73	238.73	500.00	490.00	
3/7	Southwestern Hardware and Implement Association	Ft. Worth, TX	770.74	270.74	291.10	500.00	479.64	
3/14	Southern Illinois University	Carbondale, IL	800.00	300.00	292.74	500.00	507.26	
3/20	National Pork Producers Council	Kansas City, MO	728.73	228.73	232.84	500.00	495.89	
4/4	Federal Intermediate Credit Bank of Houston	Houston, TX	770.74	270.74	284.81	500.00	485.93	
4/6	Drury College	Springfield, MO	100.00	100.00	72.20	-0-	27.80	
4/25	The Missouri Bar	Kansas City, MO	252.89	252.89	241.63	-0-	11.26	
5/6	Delmarva Poultry Industry, Inc.	Salisbury, MD	1,246.40	246.40	246.40	1,000.00	1,000.00	
5/9	Missouri Life Underwriters Association	Kansas City, MO	240.00	240.00	248.84	-0-	-0-	8.84
5/9	Warrensburg School District R-VI	Warrensburg, MO	200.00	-0-	29.11	200.00	170.89	
5/20	Marshall School System	Marshall, MO	100.00	-0-	36.65	100.00	63.35	
5/30	Columbia School District	Columbia, MO	164.60	64.60	95.96	100.00	68.64	
6/1	Missouri Young Bankers Conference	Tan-Tara, MO	196.73	196.73	196.74	-0-	-0-	.01
6/15	Martha Keys Congressional Forum	Leavenworth, KS	240.00	240.00	240.74	-0-	-0-	.74
6/21	The American Jersey Cattle Club	Louisville, KY	652.00	152.00	98.37	500.00	553.63	
6/21	Colorado Cattlemen's Association	Montrose, CO	836.00	336.00	372.48	500.00	463.52	
6/27	Florida Cattlemen's Association	Orlando, FL	710.00	210.00	257.09	500.00	452.91	
7/7	Minnesota Agriculture Education Summer Workshop	Fargo, ND	574.00	274.00	254.74	300.00	319.26	
8/4	1975 All-American Angus Breeders' Futurity	Louisville, KY	646.00	146.00	146.00	500.00	500.00	
8/6	Park College Commencement	Kansas City, MO	70.00	70.00	70.00	-0-	-0-	
8/22	Pineapple Growers Association of Hawaii	San Francisco, CA	857.00	357.00	357.00	500.00	500.00	
8/26	Allied Chemical	Hollywood, FL						

CHECKS FOR WASHINGTON OFFICE EXPENSE

1975 DATE	CHECK PAYABLE TO	CK. NO.	AMOUNT	FOR
1/2	UPS	542	\$ 3.03	Deliveries
1/11	Royal Typewriter Co. (Copier Products Div.)	545	4.21	842 copies over mail 2,000 paid for by Government
1/20	American Express Co.	555	157.40	Calculator for D.C.
1/23	Kwik Kall	560	21.50	February Service
1/31	B. R. Harris	566	22.02	Material for new book
1/31	Congressional Photo Shoppe	567	24.38	Developing Photos
2/4	Melinda Mendenhall	570	54.58	Coffee pot for office
2/6	Melinda Mendenhall	573	38.27	Camera Case & Equipment
2/21	Postmaster	587	8.90	Postage for video tapes (Paris)
2/27	Kwik Kall	591	21.50	March Service
2/28	A & A Appliance Co.	598	78.75	Stereo for Annex
3/4	Postmaster	600	16.25	Postage (tapes)
3/6	Melinda Mendenhall	604	4.00	Coffee
3/6	The Examiner	606	125.00	90 photos of Pres. Ford & J.L.
3/11	Congressional Photo	610	64.62	Developing Photos
3/26	B. R. Harris & Co.	618	8.35	Office Supplies
3/26	Community Press	619	151.25	10,000 press releases
3/26	Kwik Kall	626	21.50	April Service
4/10	Congressional Photo	634	17.85	Developing photos
4/15	Press Association, Inc.	639	292.87	AP machine rental
4/25	Kwik Kall	648	21.50	May Service
5/6	Terrie Mockler	653	1.65	Coffee
5/6	Business Equipment Center	655	20.48	Stenorett Repair
5/8	Press Association, Inc.	657	171.30	AP machine rental
5/12	Congressional Photo	664	17.85	Developing photos
5/14	Harlene Thompson	665	8.81	Coffee, sugar, etc.
5/19	Buben H. Donnelly Corp.	667	2.00	Official airline guide

RECEIVED
COMMUNICATIONS
SECTION
MAY 19 1975
U.S. DEPARTMENT OF JUSTICE

1 session

DATE	CHECK PAYABLE TO	CHECK NO.	AMOUNT	FOR
1975				
5/21	Kwik Kall	668	21.50	June Service
5/22	Stott's	673	3.00	DC Office Supplies
5/29	Marlene Thompson	675	5.50	Coffee
6/2	Congressional Photo	679	26.95	Developing Photos
6/5	Press Association, Inc.	686	35.00	Service AP Machine
6/5	Press Association, Inc.	687	171.30	June AP Machine Rental
6/11	House of Rep. Restaurant	688	59.11	Staff meals, working session
6/16	Melinda Mendenhall	692	100.00	Reimburse purchase of food for JL party for staff and Reuss staff
6/27	Clerk of the House	695	150.00	Stamps (to be reimbursed by DWL)
7/7	Diana Beery	696	23.29	Coffee, cups, kleenex
7/7	Terrie Mockler	697	5.48	Coffee
7/7	Ray Wilson	698	6.30	Tools
7/7	John Ashford	699	2.54	Supplies, calendars
7/8	Kwik Kall	704	21.50	July Service
7/8	Autopen Service	706	25.00	Servicing autopen machine
7/8	Jerry Litton's Stationary	710	19.30	Devon Bledsoe reimbursed
7/9	Press Association, Inc.	712	171.30	AP Machine Rental
7/14	Diana Beery	716	2.59	Ice Bucket
7/17	Georgetown Framing	720	50.60	Framing Presidential letters
7/18	Jerry Litton's Stationary	721	220.16	Office Supplies
7/22	Community Press, Inc.	729	26.67	Press release
7/22	Kwik Kall	732	21.50	August Service
7/24	Terrie Mockler	735	1.65	Coffee
7/24	David R. Ramage	736	31.80	Elliott Work (Folding & Stuffing envelopes)

CHECKS FOR DISTRICT OFFICE EXPENSE

1975 DATE	CHECK PAYABLE TO	CHECK NO.	AMOUNT	FOR
1/11	Pat Danner	546	\$ 2.48	
1/22	Bell Telephone	557	337.58	Nov., Dec., Jan., Service
1/31	General Services Administration	568	20.00	FTS Service
2/27	Bell Telephone	592	508.23	FTS-Oct., Nov., Dec., Jan.
2/27	General Services Administration	593	18.90	FTS Service
2/27	General Services Administration	594	20.00	FTS Service
3/4	B.R. Harris & Company	603	8.56	Office Supplies
3/26	Bell Telephone	620	139.08	Telephone Service
3/26	General Services Administration	621	98.10	Nov., Dec., Service
3/26	General Services Administration	622	20.00	FTS Service
3/26	Bell Telephone	627	67.26	March Service
4/10	Xerox Corporation	637	20.00	Copies over 2,000 allow. by government.
4/23	General Services Administration	643	20.00	FTS Service
4/25	Bell Telephone	647	136.28	District office service
5/12	Bell Telephone	660	74.03	April Service
5/30	Bell Telephone	676	70.76	May FTS Service
5/30	General Services Administration	677	20.00	FTS Service
6/3	Bell Telephone	682	136.31	May services, FTS
7/8	Southwestern Bell	700	70.76	June FTS
7/8	Southwestern Bell	701	135.68	June Services, Comm. lines
7/8	General Services Administration	702	20.00	FTS Service
7/22	Southwestern Bell	730	135.68	July service

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 FEDERAL ELECTION COMMISSION
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OFFERS FOR SUBSCRIPTIONS

ATTACHMENT 3c

1975 DATE	CHECK PAYABLE TO	7-7 CK.NO.	AMOUNT	FOR
1/11	St. Joseph News Press & Gazette	549	\$34.30	One year subscription
1/13	Wall Street Journal	553	38.00	Subscription renewal
1/22	The Hamilton-Advocate	559	16.00	2-yr. subscription renewal
2/21	Privacy Journal	585	15.00	One year subscription
2/28	Roll Call	599	25.00	One year subscription
3/4	Press - Spectator	602	9.00	One year subscription
3/26	The Stanberry Headlight	624	8.00	One year subscription
3/26	Washington Star-News	625	14.95	13-week subscription
4/7	Broadcasting Yearbook	631	15.00	<i>purchase not made</i>
4/25	Springfield Newspapers,	646	34.50	6-month subscription
4/30	Daily Express & News	651	40.00	One-year subscription
5/8	St. Louis Globe Democrat	658	18.00	6-month subscription
5/12	St. Louis Post-Dispatch	663	38.00	one year subscription
5/12	The Richmond News	662	12.00	One year subscription
6/2	Daily News Bulletin	681	27.50	One year subscription
6/4	St. Louis Argus	683	10.00	
6/5	The Post Telegraph	684	8.00	One year subscription
6/5	The Maryville Daily Forum	685	17.00	One year subscription
6/13	The Platte Co. Gazette	690	3.50	One year subscription
7/8	The Labor Beacon	703	7.50	One year subscription
7/8	Washington Star News	705	14.95	13 weeks renewal (J.L.'s house)
7/18	St. Louis Globe Democrat	722	60.00	One year subscription
7/18	Washington Post	723	30.00	Six-month subscription
7/18	Washington Star-News	724	14.95	13 week subscription (office)
7/18	Foreign Affairs	725	12.00	One year subscription
7/18	Missouri Life	733	6.50	One year subscription
7/30	Washington Post	737	53.75	6-month subscription (K.C.)
8/5	District Delivery Service	741	11.22	N.Y. Times - Aug. & Sept.
8/5	Townsend Communications	745	10.00	Press Dispatch - 1-yr.

DISTRICT OFFICE:
PLAZA INN INTERNATIONAL
8801 NORTHWEST 112 STREET
KANSAS CITY, MISSOURI 64153
(816) 891-8880

Congress of the United States
House of Representatives
Washington, D.C. 20515

COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
HOUSING AND TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

September 24, 1975

I/c # 309

Mr. Joe Stoltz
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Joe:

Enclosed is a copy of the revised honorarium and expense ledger. I am sure you will be most interested in looking at the difference between the estimated expenses (which were the basis for billing) and the actual expenses, the difference being reflected in the corrected honorarium column.

I am curious about one aspect which perhaps you can clear up for me. I realize the limit for an honorarium on any one speech is \$1,000. I also understand the annual honorarium limit is \$15,000. My question is this, can Jerry's honorariums exceed the \$15,000 annual figure by an amount equal to his unreimbursed expenses. If you can't answer this, perhaps you can direct me to someone who can.

Just as soon as the materials come in from Kansas City, I will have them hand delivered to you.

Sincerely,

John Ashford
Administrative Assistant

JA/db
Enclosure

cc: Mr. Robert Thomson
Suite 201
1776 F St., N.W.

(JOE STOLTZ, AID, HAS ENCLOSURE)

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 11, 1975

Mr. Robert E. Hearnese
Certified Public Accountant
Post Office Box 8
First Security State Bank Building
Charleston, Missouri 63834

Dear Mr. Hearnese:

This is to advise you that the Commission is in receipt of your note and the attached article and advertisement concerning Congressman Litton. The matter has been duly noted by the Commission.

I am enclosing for your reference a copy of the booklet entitled "Federal Election Campaign Laws", compiled under the direction of the Secretary of the United States Senate. Specifically, I direct your attention to the definition of a "candidate" on pages 9 and 37 of that booklet in response to your question.

Thank you for your interest in Federal election matters. If the Commission can be of any further assistance, please do not hesitate to contact us.

Sincerely,

Gordon Andrew McKay
Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

Enclosure as stated

FEDERAL ELECTION COMMISSION
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72040142534
77040010315

Member:

MO. SOCIETY OF CERTIFIED
PUBLIC ACCOUNTANTS

ROBERT E. HEARNES
CERTIFIED PUBLIC ACCOUNTANT
FIRST SECURITY STATE BANK BUILDING
CHARLESTON, MISSOURI 63834

CA-002

Office:

CAPE GIRARDEAU, MISSOURI
CHARLESTON, MISSOURI

Mr. Murphy

PROFESSIONAL SERVICES RENDERED AS FOLLOWS

Please note that on the front and also on the back of the advertisement, it says that Litton is a candidate.

When does he become one, when he actually files? It looks like in all fairness, the expenses should be the same for all.

REH

COMMISSION
FILE COPY
1964

ROBERT E. HEARNES
CERTIFIED PUBLIC ACCOUNTANT

P. O. BOX 8

FIRST SECURITY STATE BANK BUILDING
CHARLESTON, MISSOURI 63834

Mr. John G. Murphy, Jr.
General Council
Federal Election Commission
Washington, D. C. 20463



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463
SEP 10 1964
OFFICE OF GENERAL COUNCIL

CA 112 15
.23. *

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

Septebmer 4, 1975

MEMORANDUM TO PUBLIC RECORDS DIVISION
PRESS RELATIONS SECTION, INFORMATION SERVICES

FROM: GORDON ANDREW McKAY GAM

SUBJECT: Documents to be made public as a result of Congressman Litton's
written consent, pursuant to 2USC 437g.

<u>Code</u>	<u>Document</u>	<u>Pages</u>
75-A 1&2	Letter from Wilhelmina D. Roberts with copy of St. Louis Post-Dispatch article (6-24-75)	2
75-A 3	OBP letter of response to Roberts (6-30-75)	1
75-A 4-21	Copies of Warren E. Hearnes letters to Missouri Radio Stations (6-11-75)	18
75-A 22	GAM letter of response to Hearnes (7-3-75)	1
75-A 23 & 24	GAM letter to Congressman Jerry Litton (7-3-75)	2
75-A 25-28	Congressman Littons response to GAM's letter (7-16-75)	4
75-A 29-32	Congressman Litton's letter to SS (8-18-75)	4
75-A 33-36	Robert N. Thomson's (Counsel representing Congressman Litton) letter to SS (8-19-75)	4

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

September 3, 1975

Mr. Robert N. Thomson, Esq.
Preston, Thorgrimson, Ellis,
Holman and Fletcher
1776 F Street, N.W.
Washington, D.C. 20006

Dear Mr. Thomson:

This is in response to Congressman Jerry Litton's letter dated August 18 and your letter dated August 19, 1975, and to confirm your August 22, 1975 telephone conversation with the Commission's General Counsel, John G. Murphy, Jr.

As was agreed during your telephone conversation with Mr. Murphy, the Commission audit of the matters concerning Congressman Litton will begin on Monday, September 8, 1975. Mr. Joseph Stoltz of the Commission's Audit and Investigation Division has been assigned as the lead auditor in this matter and will contact Mr. John Ashford, Administrative Assistant to Congressman Litton, to arrange a suitable time and place for the entrance conference and the audit. Of course, the Commission will follow its customary audit procedures and program, making such tests and examination of records as it deems necessary, during this audit.

If you have any questions concerning this matter, please do not hesitate to contact the Commission.

Sincerely,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

September 2, 1975

Warren E. Hearnnes, Esq.
Hearnnes, Padberg, Raack,
McSweeney & Slater
1015 Locust Street, Suite 800
St. Louis, Missouri 63101

Dear Mr. Hearnnes:

This is to confirm our telephone conversation of September 2, 1975. The Federal Election Commission has received copies of your letters dated June 11, 1975 to the following radio and/or television stations:

KMA
Lowell & Elm Streets
Shennandoah, Iowa 51601

WDAF-KYYS
Signal Hill
Kansas City, Mo.

KCFV
3400 Pershall
Ferguson, Mo.

KAOL
Box 254
Carrollton, Mo.

KCHM
107 South Main St.
Brookfield, Mo. 64628

KDMA
DMZ Tower
1 Penn Valley Park
Kansas City, Mo. 64108

KCUR
524 Pierce
Kansas City, Mo.

KHMO
119 North Third St.
Hannibal, Mo. 63401

KCHI
917 Jackson St.
Chillicothe, Mo. 64601

KMPN
Box 221
Cameron, Mo. 64429

Cablevision
716 Francis
St. Joseph, Mo. 64501

KTCF
Box 412
Tiger Hotel
Columbia, Mo. 65201

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Maryville Cable Television, Inc.
116 West Third
Maryville, Mo. 64468

KTVO
211 East 2nd Street
Ottumwa, Iowa 52501

KOTV
Box 268
40th & Faraon St.
St. Joseph, Mo. 64506

KLFX-KBFX
Box 188, Klex Bldg.
East U.S. Highway 24
Lexington, Mo. 64067

KHQZ
510 Main Street
Quincy, Ill. 62301

KOMU
University of Missouri
Columbia, Mo. 65201

7701010321
The above listed letters have been made part of our investigatory file in the case of Congressman Jerry Litton. Congressman Litton has, in accordance with Section 437c(a)(3), consented to the Commission making the investigatory file public. Pursuant to our conversation this letter is to notify you that your letters of June 11, 1975, concerning Congressman Litton will be a portion of that investigatory file that will be available to the public.

Thank you for your cooperation in the above matter.

Sincerely yours,

Stephen Schachman
Assistant General Counsel

SSchachman:mpc:9/3/75

cc: Lan Potter
Jack Murphy
Drew McKay
Peter Roman
Stephen Schachman

Re: CA 002-75

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

By RICHARD K. V. JR.
Of the Post-Dispatch Staff

WASHINGTON, Aug. 27 — A national Democratic organization gave some free legal help to Representative Jerry Litton (Dem.), Chillicothe, Mo., whose campaign finances are under investigation.

But Robert N. Thomson, the lawyer involved, said that Litton would be billed for future expenses.

Thomson said his primary client, the Democratic Senatorial Campaign Committee, provides free advice to all Democrats who are candidates or prospective candidates for the Senate.

When Litton learned that he was under investigation by the election commission, he went to the campaign committee for help.

Thomson helped work out a "voluntary compliance" plan under which Litton will open his books to commission investigators on Sept. 8 and abide by whatever reporting procedures they suggest.

Litton has contended that as he travels around the state he is merely testing the waters for a Senate run. Thus, he contends, he does not have to report whatever he spends.

But the commission investigators believe he already has passed the point at which one becomes a candidate for purposes of reporting.

Thomson said he expected Litton and the commission to resolve the question.

"This whole question of when one becomes a candidate is an interesting one," Litton said. "Before the 1974 Senate race in Kansas, Gov. (Robert) Docking made preliminary expenditures to determine whether he ought to run. The secretary of the Senate ruled that he was a candidate and would have to make the appropriate reports."

"The only trouble with this precedent was that it was kept secret," Thomson said. "Now the Federal Election Commission has taken over questions of campaign financing and we must await their decision."

Thomson said that it is easy for a proposed candidate to become confused because tax laws, campaign finance (federal) laws and campaign laws have different definitions of what makes a candidate.

Thomson said the public investigation of Litton is "a messy thing." Litton is the only one whose investigation by the Federal Election Commission has been delayed.

waived his right of confidentiality.

"There is no criminal intent in this case," Thomson said. "At the very worst, there might have been a misunderstanding of the law."

At first, the Democratic Senatorial Campaign Committee was prepared to provide legal help for Litton throughout the entire investigation.

But now committee leaders have decided it would be inappropriate for them to pay for an extended case. For one thing, they reasoned, other Democratic hopefuls in Missouri might legitimately object to so much free help for one of their rivals.

Thomson said that under a new agreement negotiated yesterday, Litton would be provided free service for the first meeting last week at

which the lawyer and Litton's administrative assistant met with the Federal Election Commission.

All subsequent service will be billed to Litton, said Thomson, who joked that his fees would be "modest."

AUGUST 27, 1975

CA-002-75

.19.

Free Legal Help Provided Litton

14A Wed., Aug. 27, 1975 ST. LOUIS POST-DISPATCH

FEDERAL ELECTION COMMISSION
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Office of General Counsel

LAW OFFICES

PRESTON THORGRIMSON, ELLIS, HOLMAN & FLETCHER

1776 F STREET N.W.

WASHINGTON, D.C. 20006

AREA CODE 202 331 1005

TO AS 11 AM 12:25

EMANUEL ROUVILLAS
JONATHAN BLANK
ROBERT N. THOMSON
TOVAH THORSLUND

NOT A MEMBER OF THE DISTRICT OF COLUMBIA BAR

2000 L. B. M. BUILDING
SEATTLE, WASHINGTON 98101
206.623.7580

August 19, 1975

Mr. Stephen Schachman
Deputy Assistant General Counsel
For Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Schachman:

I am representing Congressman Jerry Litton with respect to a Federal Election Commission investigation of certain disbursements which some have apparently contended were made to influence the result of a 1976 primary election for the U.S. Senate in Missouri. Although the Commission has yet to resolve by rule or regulation the legalities at issue here, we are anxious to avoid even inadvertent violations of the spirit of the Federal Election Campaign Act. Consequently, we now propose to initiate a voluntary plan for compliance and cooperate fully with the FEC staff in all phases of its investigation.

Congressman Litton is not now a candidate for the United States Senate. As indicated by his quoted comments in the June 22 edition of the St. Louis Post-Dispatch, the Congressman was under the impression that individuals who made modest disbursements to determine whether or not they should be a Federal candidate were not subject to FECA reporting obligations or contribution and expenditure limits, just as they are not "legally qualified candidates" for purposes of the "equal time" laws. Nevertheless, it appears this issue is subject to varying interpretations. Therefore, for our own benefit and for the benefit of other potential candidates similarly situated, we intend to fully cooperate with your efforts to resolve the questions at issue here.

We note the Commission is required to use "informal methods of conference, conciliation, and persuasion"

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AUG 22 1975

Mr. Stephen Schachman
August 19, 1975
Page 2

before proceeding to use more formal stages of the complaint process. See, 2 USC §437g(a)(5). This case appears to be one ripe for such an approach, since the complex issue of when an individual becomes a candidate for reporting purposes has yet to be addressed by the Commission in its rule-making function. Moreover, violations, if they occurred, were clearly inadvertent. The newspaper quotations attributed to Congressman Litton indicate as much.

We propose the following voluntary compliance plan for your consideration:

1. Pursuant to §437g(a)(2) of Title 2, U.S. Code, the Commission is required to notify those who may have committed an apparent violation of such violation. We have yet to receive such notification. However, we will waive this requirement and assume that the Commission's investigation will focus on the issues raised in Drew McKay's letter dated July 3, 1975.

2. The Commission is authorized to publicly indicate that it is conducting an investigation of the issues raised in Mr. McKay's letter. However, we strongly urge the Commission to indicate as well that Congressman Litton has agreed to cooperate completely with the investigation.

3. By September 5, 1975, Congressman Litton or his staff will present to the Commission staff lists of all disbursements that could arguably have been made to influence the result of the Missouri Senate primary. The lists will include the following:

- a. Those disbursements made after January 1, 1975 to defray the cost of all the Congressman's activities in the state of Missouri, outside of his Congressional district, from any personal, office, or campaign account, excluding those expenditures that are strictly personal in nature;
- b. Those disbursements made after January 1, 1975, to defray the cost of all the Congressman's activities within his Congressional district from any personal, campaign, or office account, excluding those expenditures that are strictly personal in nature.

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Mr. Stephen Schachman
August 19, 1975
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We feel the September 5 date is a reasonable one. Because of the nature of Congressman Litton's records, the information must be compiled from political, office, and personal accounts. Preparation of the lists will require the personal attention of the Congressman, his accountant, his administrative assistant and his appointment secretary.

The Congressman will return to Washington, D.C. on September 4. The other staff members mentioned all have vacations scheduled in August. Nevertheless, they have indicated the working lists will be prepared by September 5.

4. On September 8, 1975, Commission staff may have full and complete access to all financial records maintained by Congressman Litton or his agents, including personal records, campaign committee records, and records from any and all office accounts maintained by the Congressman. The Congressman and key staff members will be available to answer any questions that may arise.

5. Following staff review and verification of the disbursement lists, Congressman Litton will take immediate steps to comply with applicable reporting requirements, in the event some or all of the disbursements are deemed by Commission staff to be "expenditures" made to influence the result of the Missouri Senate primary. Of course, the Commission must resolve the issues raised in AOR 1975-11B, before such amended reports can be filed in the proper form. However, it is our understanding that the Commission will issue Advisory Opinion 1975-11B this week.

6. Once Congressman Litton and his political committee have filed amended FECA reports pursuant to staff recommendations, it may be necessary to contest staff determinations that certain disbursements are "expenditures" to influence the Senate primary. In such case, the Congressman or his political committee will appeal staff determinations, by requesting a letter of counsel from the Commission's General Counsel, or by requesting an Advisory Opinion from the Commission itself.

7. Congressman Litton hereby withdraws all other Advisory Opinion Requests currently pending with the Commission. As noted above, it may be necessary to seek Advisory Opinions with respect to individual disbursements. However, it appears the pending Advisory Opinion Requests could possibly delay resolution of this matter.

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Mr. Stephen Schachman
August 19, 1975
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We are confident that the plan for voluntary compliance described above will meet all statutory requirements, as those are interpreted by the FEC. If you have questions or comments concerning the plan, please telephone me as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to be 'RNT', with a long horizontal flourish extending to the right.

Robert N. Thomson

RNT:jc

77040010326

NOT RECORDED
FILE COPY
COUNSEL

PRESTON, THORGRIMSON, ELLIS, HOLMAN & FLETCHER

SUITE 201

1776 F STREET, N. W.

WASHINGTON, D. C. 20006

Mr. Stephen Schachman
Deputy Assistant General Counsel
For Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

20463

BY HAND - 3rd Floor

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

JERRY LITTON
6TH DISTRICT, MISSOURI

WASHINGTON OFFICE:
1502 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-7041

DISTRICT OFFICE:
PLAZA INN INTERNATIONAL
8801 NORTHWEST 112 STREET
KANSAS CITY, MISSOURI 64153
(816) 891-8800

Congress of the United States
House of Representatives
Washington, D.C. 20515

14.
CA-002-75
COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
HOUSING AND TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

August 18, 1975

Mr. Stephen Schachman
Deputy Assistant General Counsel
for Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Schachman:

It is my understanding from conversations with my staff that I am the subject of a Commission investigation concerning certain disbursements made in the state of Missouri this year. It is unfortunate that I have had no written notification of such investigation, other than a letter dated July 3 from Mr. Drew McKay which did not mention any investigation.

That July 3 letter pointed out that a report in the ST. LOUIS POST-DISPATCH on June 22, 1975, indicated I said I could make appearances in St. Louis and not have them count against our limit if I later became a candidate for the U. S. Senate, whereas the cost of similar appearances would count against the spending limit for candidates who have already filed.

That newspaper report was accurate. I did say that. My statements were based on my careful reading and, I believe, accurate interpretation of the campaign act. Under that law I do not believe I am presently a candidate. Nor do I believe that, should I become a candidate, expenditures made in recent months should be counted against my spending limit.

As I indicated in my letters to you and Mr. McKay, there seems to me to be a difference between testing the waters and heating them up.

I acknowledge I am seriously considering a Senate Candidacy. With the exception of the Senate seat and my current office, I have publicly indicated I will not be a candidate for any other office in 1976.

Mr. Stephen Schachman
August 18, 1975
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I have not made up my mind which of the two to seek nor whether I will seek either.

Frankly, in addition to my Congressional activities, and my speaking schedule (which has been a heavy, nation-wide schedule for many years) I have been spending limited time and a very modest amount of money to support incidental travels attempting to determine whether I should become a candidate and for what office.

It would be most accurate to say I am currently a prospective candidate for the U. S. Senate as well as a prospective candidate for re-election to my current office.

Unfortunately, the Federal Elections Campaign Act does not provide for prospective candidates. It establishes registration and reporting procedures only for actual candidates. And that's one thing I know I'm not -- a candidate.

Again, I have not made up my mind what office to seek. I've only indicated that, despite encouragement, I won't be a candidate for Governor of Missouri, and that I am receiving a positive reaction from people about a potential Senate candidacy.

To the uninitiated it must seem so simple to say, "Even though you haven't made up your mind which office to seek, go ahead and file the reports for the Senate. That way, even though you believe the minimal expenses of these exploratory soundings clearly fall outside the definition of an expenditure made to influence the outcome of a federal election, your report will be on file, and you're covered should you later decide to make the Senate race."

As you well know, it's just not that simple.

To file such reports I would first have to establish a committee. How, for instance, do you ask people to serve on a committee when you don't yet know which office, if either, you will seek? I would then have to appoint a chairman and treasurer and clearly indicate in pursuit of which specific office I'm filing reports.

The instant I did that Missouri newspapers would run headlines "Litton Making Senate Race." Within minutes a group of eight to ten prospective candidates, who have indicated they will seek my House seat if I run for the Senate, would head for

Mr. Stephen Schachman
August 18, 1975
Page 3

Jefferson City to file for the House. The public would be convinced I am determined to make the Senate race. But such would not be the case. I haven't decided yet.

The filing deadline for the Missouri Democratic Senatorial Primary is April 27, 1976. The primary election is not until August 3, 1976.

Frankly, to be sure I was in compliance with the law I considered filing several months ago for both offices, House and Senate, and complying with reporting requirements accordingly. However, Missouri law prohibits filing for two offices.

I don't believe it was ever the intention of the Congress in passing the FECA to force prospective candidates into publicly selecting an office before their own minds are made up.

It is, therefore, my opinion I am not now a candidate. Further, I believe if I should become a candidate for either office, the monies I have spent in these preliminary testings should not count against my limit.

However, since only the Commission can make this determination, and since I want to be in full compliance with the law, I tell you now I will be prepared, after you review my records, to file any reports you may reasonably require. I stand ready to fully comply with what the Commission deems appropriate and necessary.

I welcome this opportunity to give you a chance to look at my books and determine if any public statements accurately reflect our activities, which I am confident they do.

It will also give you a chance to answer some basic questions:

- (1) Am I now a candidate for the U. S. Senate?
- (2) If so, when did I become a candidate?
- (3) After that date, what expenditures, if any, count against my limit?
- (4) If I am not now a candidate, what action may I take in the future that will cause me to become one?

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Mr. Stephen Schachman
August 18, 1975
Page 4

- (5) If, at some future date, I do become a candidate for the Senate, will any of the expenditures prior to that date be counted against my limit?

I believe the resolving of these specific issues will do much to inform other potential candidates and enable them to know the Commission's interpretation of the Act and comply with it.

As my staff indicated, last month I immediately made available to the author of the ST. LOUIS POST-DISPATCH article the letter from Mr. McKay along with a copy of my response.

I have not hesitated to focus public attention on this law which substantially changes campaign methods and strategy. I have freely discussed my interpretation of the law and the timetable for compliance, as I understand it. In fact, I would point these issues out before the Commission because of my free and open discussion of the law.

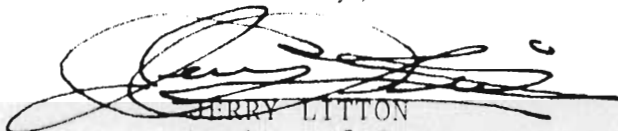
I see no reason to keep this matter behind closed doors. Rather, I firmly believe knowing the methods, procedures, evidence, considerations, decision process and final judgments in this situation would all be helpful to countless other potential candidates who find themselves in a similar position.

I, therefore, most willingly waive my rights under Section 437(a)(3) to have this matter kept confidential.

At my request, Mr. Robert Thomson will represent me in this matter. You will be hearing from him before noon, tomorrow, Tuesday, August 19, about my specific plans to furnish you with the information you require.

Your attention to this, your interest in us, and your willingness to operate in a spirit of cooperation are all deeply appreciated.

Sincerely,



JERRY LITTON
Member of Congress

JLmt

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
U.S. DEPARTMENT OF JUSTICE

Washington, D.C. 20515

OFFICIAL BUSINESS

Mr. Stephen Schachman
Deputy Assistant General Counsel
for Litigation
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

M.C.

CH 002 5

Litton Is Firm On Senate Race

By FRED W. LINDECKE
Missouri Political
Correspondent

United States Representative Jerry Litton (Dem.), Chillicothe, says that under no circumstances will he drop out of the race for the Democratic nomination for the Senate to run for Governor.

Litton said he was offered the Governor's nomination "by the powers that be" in the state Democratic Party several weeks ago, but he said he told them, "I don't want to be Governor."

Although not officially a candidate, Litton is expected to file for the nomination for the seat being vacated by Senator Stuart Symington.

Former Gov. Warren E. Hearnes and Joseph P. Teasdale, former Jackson County prosecuting attorney, have filed for the Symington seat. United States Representative James W. Symington of Ladue also is expected to file.

In a visit here yesterday, Litton confirmed reports that some Democratic leaders attempted to get him to switch to the Governor's race.

They did this in the belief that State Senator William J. Cason (Dem.), Clinton, would not be able to defeat Republican Gov. Christopher S. Bond, who is expected to seek reelection. Cason is the only candidate thus far for the Governor's nomination.

Litton said that television advertising would be a major part of his campaign in the St. Louis area. A good deal of Litton's recognition among voters has been built by a television program he created. The program is seen regularly in St. Louis and

Democratic officials have noted, however, that the new federal election law limits expenditures for next year's primary to about \$260,000. They say television broadcasting is expensive, and that the limit will restrict Litton's ability to campaign via television in the St. Louis area.

But Litton pointed out that

a major part of television expenses is the cost of producing the film. He said this would cost him nothing because there are limitless excerpts from his previous television programs that can be used in his campaign advertising.

Hearnes has accumulated a big lead in political endorsements, but, like Symington supporters, Litton discounted the significance of Hearnes's backing.

Litton said political leaders cannot deliver votes when candidates appeal directly to the people. He also expressed the opinion that Hearnes has been damaged by accusations arising from a federal grand jury investigation in Kansas City, and that voters will not support him.

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FEDERAL ELECTION COMMISSION
OFFICIAL FILE
OFFICE OF GENERAL COUNSEL

AUDIT REPORT NO. CA 002-75
REPORT OF THE AUDIT AND INVESTIGATION DIVISION
OFFICE OF DISCLOSURE AND COMPLIANCE
ON
CANDIDATE STATUS OF CONGRESSMAN JERRY LITTON

I. Background

This report covers an investigation undertaken by the Audit and Investigation Division of the Federal Election Commission to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1974. The investigation was conducted under authority of Section 437(g) of the Act, and concerned events which took place between January 1, 1975 and July 31, 1975.

II. Findings and Conclusions

Section 431 of the Act defines a "candidate" for Federal office to mean "an individual who seeks nomination for election, or election to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has-

1. taken the action necessary under the law of a state to qualify himself for nomination for election, or election, to Federal office or;

2. received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election to such office."

Persons who become candidates under these criteria are subject to the registration and disclosure provisions of Sections 433 and 434 of the Act respectively, as well as the expenditure limitations with respect to each election imposed by Section 608(c) of Title 18, United States Code.

Allegations were brought to the Commission's attention to the effect that Congressman Jerry Litton of the Sixth District of Missouri had begun a campaign for the Senate in the State of Missouri during the Spring of 1975, and that neither Congressman Litton, nor any committee or other organization supporting him had met the registration and disclosure provisions of the Act. Congressman Litton was also reported to have stated that any expenditures he had made for the purpose of the alleged Senate candidacy, would not count against his 18 U.S.C. 608(c) limitations, inasmuch as he had not yet formally declared his candidacy for that office.

When advised by the Commission of these allegations, Congressman Litton and his staff made all books and records related to these matters available for Commission inspection and review.

A. THE LITTON SUPPORTERS FOR BETTER GOVERNMENT COMMITTEE

This Committee, formerly named The Litton for Congress '74 Committee, was the principal financial body concerned with Mr. Litton's 1974 Congressional Campaign. The Committee had duly registered with the Clerk of the House as was required under the 1971 Act.

We have reviewed the reports of Receipts and Expenditures of that Committee for the period January 1, 1975 through June 30, 1975. In our opinion, the Statements of Receipts and Expenditures are essentially in compliance with the provisions of the Act, and involve no expenditures which appear to have been made for the purpose of influencing Mr. Litton's Senate candidacy.

B. THE MISSOURIANS FOR LITTON COMMITTEE

This Committee registered with the Secretary of the Senate on September 26, 1975, under the provisions of the 1974 Act, the same day that Mr. Litton filed as a Senate candidate for the 1976 General Election.

Given the registration of Mr. Litton's campaign committee and his announcement of his candidacy, the only question remaining is when Mr. Litton could reasonably be considered to have become a candidate for the Senate.

C. MR. LITTON'S OFFICE ACCOUNT

From January 1, 1975 through July 31, 1975, a total of \$32,410.65 was received and deposited in Mr. Litton's office account. The receipts came from a number of sources, including honoraria received by Mr. Litton for speaking engagements, reimbursements from the Sixth District Congressional Club for expenses incurred in connection with the "Dialogue with Litton" show (see Section II D below for a description of both organizations), Mr. Litton's personal contributions to the fund, and normal disbursements received from the House disbursing office.

Expenditures during the period totalled \$33,115.32. Staff employees had divided the expenditures into the following categories:

- personal travel expenses
- official travel expenses
- official travel and lodging expenses
- miscellaneous official expenditures

subscriptions
personal expenses
"Dialogue with Litton" expenses

In our opinion, the designation of the various categories, and the expenditures attributed to them, appear to be reasonable.

Based on these allocations, a separate schedule was prepared listing expenditures related to speaking engagements and appearances at political functions in the State of Missouri. In addition, expenditures involved in Mr. Litton's appearances before a substantial number of persons comprising part of his electorate, and for which an honorarium was tendered, were included.

For the month of May 1975, we calculated such expenditures to be \$1,213 for appearances within Mr. Litton's Congressional District, and \$529 for travel within the rest of the state. Insufficient data and records prevented a calculation of expenditures for any period other than the month of May.

Obviously, these calculations are at variance with the \$654.74 attributed to the Senate candidacy by Mr. Litton's representatives, especially since only \$188.58 of the \$654.74 were made during the month of May.

Since this variance represents a difference of opinion on rather clear cut matters of facts, we would recommend that these matters be discussed further with Mr. Litton's representatives and, if differences cannot be resolved, that the differences be submitted to the Commission with a request for guidance in establishing the criteria for determining the types of expenditures which ought to be considered as being for the purpose of influencing a Federal election.

D. DIALOGUE WITH LITTON: SIXTH DISTRICT CONGRESSIONAL CLUB

"Dialogue with Litton" is a half hour television show, broadcast monthly over an average of seven television and fourteen radio stations reaching about two-thirds of the State of Missouri. The "Dialogue with Litton" show began on March 19, 1973. Beginning in March of 1974, the program carried on the three television stations in Mr. Litton's District. Since that time, as many as twelve television stations have aired the program, although the monthly average is seven stations.

Of the average of seven stations which air the program each month, between four and five stations make no charge for presenting the show. We are advised that these stations carry the show as a public service, inasmuch as the show appears to be quite popular, and has a considerable number of viewers.

The following table illustrates the number of stations carrying the show over the past year:

<u>DATE</u>	<u>PAID</u>	<u>FREE AIR TIME</u>
September 1974	3	1
October 1974	3	4
May 1975	2	3
August 1975	2	5
September 1975	2	4

Costs of producing the show and paying for air time for the two to three stations which charge for the service are borne by the Sixth District Congressional Club. The Club has about 600 Members who pay dues of \$5.00 per month (billed twice yearly), and 40 Ambassador Members, who pay \$500 per year. With the exception of housekeeping expenditures such as membership cards, and meeting announcements all revenues of the Club are used for the purpose of producing and purchasing air time for the "Dialogue" show. In addition, Mr. Litton and guests are reimbursed for travel expenses involved with the show. Mr. Litton receives no other payment for participating in the "Dialogue for Litton" program. No other vehicle, including Mr. Litton's campaign committees or office account, has any involvement with the "Dialogue" show.

Records of the Sixth District Congressional Club show the following for the period January 1 through June 30, 1975:

Receipts	\$38,445.00	source: membership dues
Expenditures	\$32,564.85	nature: TV production TV air time other media expenses
	4,200. (approximately)	nature: travel membership cards meeting announcements

The show itself is videotaped before a live audience of Sixth District Congressional Club members, and interested members of the public who pay for their own lunch and view the taping. The show is informal in style, with Mr. Litton and his guest discussing various issues, and answering questions from the audience. Guests include Senators and Congressmen of both parties, and a number of senior government officials. While Mr. Litton receives frequent compliments from his guests, the show is non partisan in nature, and is oriented towards a discussion of various issues of interest to the audience. No mention is made of Mr. Litton's status as a candidate for any office, including the Senate, and no appeal for support, financial or otherwise, is made on behalf of Mr. Litton or any other candidate or party.

While the show is oriented towards a discussion of various matters of public policy, representatives of Mr. Litton's staff do not contest that it is a most valuable tool in presenting Mr. Litton as an actual or potential candidate for office in a most favorable light. We were advised by Mr. Litton's Administrative Assistant, that Mr. Litton, who personally edits the 90 minute videotapes into the 30 minute format which is shown on television, intends to use excerpts from the shows as political advertisements during future election campaigns.

Accordingly, the "Dialogue for Litton" show serves the dual purpose of permitting Mr. Litton to contact his electorate in his official role, at the same time that it enhances his status as a potential candidate. Recommendations concerning the costs of "Dialogue with Litton", if, and/or when it should be viewed as being for the purpose of influencing a Federal election, are contained in Section III B of this report. It should be noted that any determination placing the costs involved with the "Dialogue" show under the definition of "expenditure" as defined by the Act, would also impose a registration and reporting requirement upon the Sixth District Congressional Club. In addition, consideration should be given as to whether the receipts and expenditures involved are chargeable against the 18 U.S.C. 608 limitations and, if so, from what date.

E. HONORARIA RECEIVED BY THE CANDIDATE

Section 616 of Title 18, prohibits an elected or appointed officer or employee of the Federal Government from accepting any honorarium in excess of \$1,000, excluding amounts accepted for actual travel and subsistence expenses, for any appearance, speech, or article. The total of such honorariums, excluding the reimbursement for actual travel and subsistence expenses, accepted during a calendar year, is limited to \$15,000.

Accordingly, in Advisory Opinion 1975-8, the Commission stated that the actual cost of transportation, accommodations, and meals are excluded from the limitations on honoraria provided in 18 U.S.C. 616. Thus, members of Congress who reach the aggregate limit of \$15,000 in honoraria received in any calendar year could continue to accept speaking engagements for which they receive only their own personal actual transportation, accommodations, and meal expenses. However, once an individual becomes a candidate for Federal office, all speeches made before substantial numbers of people who comprise a part of the electorate with respect to which the individual is a Federal candidate, are presumed made for the purpose of enhancing his candidacy, and the candidate is prohibited from accepting expense money for transportation, accommodations, and meals from organizations covered by 18 U.S.C. 610, and 18 U.S.C. 611.

During the audit, an aide to Congressman Litton stated that in some instances, the Congressman had traveled to a specific area to deliver several honoraria speeches, while collecting reimbursement for roundtrip expenses from each group sponsoring such speeches. Many of Congressman Litton's reimbursed expenses also included transportation, and hotel accommodations for staff and wives. The aide was advised that any excessive reimbursement of expenses would be included in the Congressman's honorarium limitation.

A revised honorarium list was received from the Congressman's office on September 29, 1975. However, it appears that a considerable amount of reimbursements for expenses of the Congressman's staff and their wives were reported as actual reimbursed expenditures of the Congressman, rather than as honoraria. For example; in one instance, the candidate accompanied some members of his staff to Vail, Colorado where they remained until he returned from a speaking engagement in the State of Washington. However, the Congressman shows the expenses incurred by the staff on this trip as reimbursed expenses for his speaking engagement rather than a portion of the honorarium received.

Although adequate records were not provided beyond May 31, 1975, a review of the Congressman's records indicate reimbursements totalling \$2,991.92 in excess of the candidate's actual expenditures were apparently accepted during the period January 1, 1975 through May 31, 1975. When added to the \$12,500 in honoraria already acknowledged by Congressman Litton, it would appear that the honorarium limitation of \$15,000 under 18 U.S.C. 616 has been exceeded by Congressman Litton.

III. OPINIONS AND RECOMMENDATIONS

A. Mr. Litton's Candidacy

In our opinion, Mr. Litton became a candidate for nomination or election to the Senate between May 1, 1975, and September 26, 1975. On May 1, we and counsel for Mr. Litton are agreed that expenditures on behalf of Mr. Litton's Senate candidacy were first made from his office account. On September 26, an authorized committee supporting Mr. Litton's Senate candidacy registered with the Secretary in accordance with the provisions of Section 433 of the Act. At this time, Mr. Litton and his committee filed reports of Receipts and Expenditures pursuant to Section 434 of the Act. All receipts and expenditures were reported on Mr. Litton's candidate report.

Since the first "expenditures" as defined by Section 431 of the Act commenced on May 1, it would be our recommendation that Mr. Litton should be viewed as a Senate candidate from that day forward for the purposes of compliance with the provisions of the Act, especially since his representatives have freely acknowledged that date as the time where expenditures on behalf of the Senate candidacy were first made.

However, the results of the audit do not cut a precise line between Mr. Litton's usual contact with his constituents in the performance of his official duties, and those activities designed solely, rather than in part, to influence his Senate candidacy. Accordingly, we see no bar if the Commission chooses to adopt another date as the date upon which Mr. Litton, for purposes of the Act, became a candidate for the United States Senate.

B. Disclosure and Expenditure Limitations

i. The Litton Supports for Better Government Committee

In our opinion, the Committee accepted contributions, and made expenditures solely in behalf of Mr. Litton's 1974 Congressional candidacy. We are aware of no transactions which could be viewed as being made on behalf of Mr. Litton's 1976 Senate candidacy, and recommend that the Commission not consider this Committee's activities in any calculation of what can be considered as expenditures made against the 1974 expenditures limitations imposed by Section 608(c).

ii. The Missourians for Litton Committee

As noted above, this Committee was formed to support Mr. Litton's Senate candidacy. They filed an October 10 Report with the Secretary of the Senate showing no receipts or expenditures.

iii. Mr. Litton's Office Account

Mr. Litton's representatives have acknowledged expenditures on behalf of Mr. Litton's Senatorial candidacy in the amount of \$654.74, while our calculation for the Month of May, 1975 alone came to \$1,741. In this case, the Commission might choose to:

- (a) accept the Committee's calculation.
- (b) accept our calculation.
- (c) permit the Commission staff to discuss the matter further with Mr. Litton's representatives.

Of the alternatives, we would recommend that the Commission adopt the third course. Obviously, markedly different criteria are being used to determine what constitutes an "expenditure". Rather than engage in a formal hearing on the matter, if such is requested, we would suggest one more effort at the staff level to either reach an equitable solution, or, failing that, to make more precise definitions of the amounts and nature of the expenditures in question.

iiii. "Dialogue with Litton", Sixth District Congressional Club

As was discussed above, the "Dialogue with Litton" show permits Mr. Litton to conduct his Congressional duties in maintaining contact with his constituents and, simultaneously, to present himself throughout his District and much of the rest of the State, in a most favorable fashion. The latter statement is reinforced by a statement of a member of Mr. Litton's staff to the effect that, excerpts from the show will be used in paid political advertisements during the 1976 Senatorial campaign.

We see three alternatives in approaching the question of when, and in what amounts, the expenditures associated with the "Dialogue" show might be deemed "expenditures" within the meaning of the Act which would be chargeable against the Section 608(c) limitations:

(a) the "Dialogue with Litton" show could be viewed as a legitimate, albeit innovative, method by which Mr. Litton carries out his official Congressional duties to maintain effective communication with his constituency, in which case none of the costs of producing and airing the "Dialogue" show would be attributed against a Section 608(c) expenditure limitation.

(b) "The Dialogue with Litton" show could be viewed as a method by which a potential, prospective or active candidate for Federal office can make his presence and views known to present and future electorates. In this case, the show would be viewed as a vehicle to promote Mr. Litton for candidacy to an office, and not as a method principally designed to provide constituent services of an official nature. Here, the costs involved in the Litton show would be chargeable to the Section 608(c) limitations. At the same time, the Sixth Congressional Club, which exists for the sole purpose of financing the show, would become a political committee within the meaning of Section 433 of the Act, and subject to registration and reporting requirements as an affiliate of the Missourians for Litton Committee.

Costs incurred in producing the show would be calculated from the date when Mr. Litton is first viewed as a Senatorial candidate by the Commission. If the May 1 were selected, Mr. Litton would have been deemed to have made expenditures of approximately \$6,000 per month against his limitation (for comparative purposes, the 1975 expenditure limitation for a Missouri Primary Election would be \$263,920).

(c) On a date deemed equitable by the Commission, all costs or a portion of the costs, involved in producing and airing the show could be viewed as "expenditures" chargeable against the expenditure limitations. We would propose January 1, 1976 as a reasonable time to begin allocating these costs against the expenditure limitations.

Alternatively, the Commission may choose to consider the September 26, 1975 date when Mr. Litton formally announced his candidacy, or a date prior to the August 13, 1976 Missouri Primary Elections.

(d) A further alternative would be to allocate the "Dialogue" production and airing expenses proportionally between out-of-district and in-district coverage. The out of District expenses might be determined to be chargeable against the 608(c) limitation from a date of the Commission's choice, while in-district expenses would be viewed as part of Mr. Litton's official Congressional duties and not considered chargeable under the Act.

Of the preceding alternatives, we would recommend that the Commission adopt (c). While the program does maintain effective communication with his constituency, it obviously has great political value, and at some point should apply to Mr. Litton's 608(c) limitation.

C. Mr. Litton's Honorarium Limitation

Mr. Litton has apparently exceeded the 18 U.S.C. 616 honorarium limitation by accepting reimbursement for expenses that are in excess of his actual expenses as defined in AO-1975-8, while this matter lies under the jurisdiction of the Department of Justice, we recommend that the Commission in lieu of referral of the case as a criminal matter, consider these as other methods of seeking voluntary compliance:

(a) Advise Mr. Litton of the matters, and suggest that he reimburse such excess expenses.

(b) Advise Mr. Litton that he is not in compliance with the provisions of 18 U.S.C. 616, and request assurances from him that similar reimbursements will not be accepted in the future.

CHARLESTON MISSOURI 63834

20005

OFFICE OF THE GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
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JERRY LITTON
6TH DISTRICT, MISSOURI

WASHINGTON OFFICE:
1502 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D. C. 20515
(202) 225-7041

DISTRICT OFFICE:
PLAZA INN INTERNATIONAL
8801 NORTHWEST 112 STREET
KANSAS CITY, MISSOURI 64153
(816) 891-8880

COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
HOUSING AND TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

Congress of the United States

House of Representatives

Washington, D.C. 20515

July 22, 1975

Mr. Thomas Curtis, Chairman
Federal Elections Commission
1325 K Street, N.W.
Washington, DC 20463

Dear Mr. Curtis:

I'm sure it comes as no surprise to you that even careful reading of the new campaign practices law produces more questions than answers.

For your information, we are attaching a copy of a letter to Drew McKay in which I attempt to clarify my current status as best I can determine it. I am not seeking support, financial or political, to become a candidate. I don't even know at this time if I will seek office in 1976 or which office I will seek. I am maintaining the busy schedule of speeches and appearances I have had for the last 18 years, 15 of those years before I even sought public office.

I am frankly at a loss to understand how activities, political, social, business or civic, which make contacts and leave (I hope) a favorable impression which might accrue to my benefit in the future as a candidate, as well as a businessman, public speaker, or civic-minded citizen, can be construed as efforts to intentionally further what may or may not become a candidacy for federal office.

My point is simply this, particularly in U.S. Senate races, which for a given seat comes only once every six years, there are 72 months in which men and women who may later be candidates are doing things, in the routine of their business and personal lives, which might be misinterpreted as making them a candidate.

I would very much appreciate having advisory opinions from your staff addressing themselves to specific questions:

(1) I have been keeping an extensive schedule of public speaking throughout Missouri and the United States for nearly 20 years. I continue to receive many invitations from groups in Missouri, in my district and outside of it. Possibly,

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U.S. HOUSE OF REPRESENTATIVES

Mr. Thomas Curtis

Page 2

some of these are from groups, political or otherwise, who want to hear and see me to evaluate a future candidacy. I can't know that when I accept an invitation. Often I am surprised at the political interest shown. My purpose in going, of course, is to make a speech, not a campaign speech, but one on topics such as agriculture, career opportunities in government, etc. Many times, particularly in the St. Louis area, I stop and make speeches or participate in ceremonies on my way to other activities in my district.

I would like your opinion on whether these appearances cause me to be a candidate under the definition of the law and/or whether, if in the event I do become a candidate for the U.S. Senate, the cost, however minor, of these trips can be later counted against my spending limit.

(2) As you know, there are many demands made on an office holder for political expenditures during the term of his office, whether it is 12 months or six years. Many officials, fortunate to finish their campaign with a balance of funds, use these funds to pay the ongoing political costs of office. Many of these expenditures, while political in nature, are not designed to further re-election to office or election to another office. Instead they are intended to demonstrate on-going support of political institutions and activities in which the office holder as a party member, interested citizen, etc. has a desire to help and aid. For instance, during the last few months I have been called on to buy tickets to meetings and picnics of political clubs in my district, help underwrite the cost of the state committee's booth at the state fair, buy tickets to a fundraiser for the state committee, make donations to a civic cause, etc. These are expenditures I would make whether or not I was seeking re-election to the House or election to the Senate. Since House elections happen every 24 months, we can see how almost as soon as one campaign is ended, expenditures out of the campaign fund might be construed as furthering the re-election campaign. However, in the case of a Senate race, happening every six years, it would be difficult to see how political expenditures made, say, during the four years after election could reasonably or fairly be charged against the limit for the next race, or could be considered to make the incumbent a candidate under the definitions of the Act. But, if a Senator can make political use of his campaign fund for a period of time funding routine expenses, why can't a Member of the House, whether or not he is being talked about for the Senate? My question is, therefore, what is your opinion on the use of campaign funds left over from my last election, provided they are used in a routine manner, primarily in my district and are intended not to further future campaigns but to sustain, and in a sense of financial commitment

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represent my interest in and reward for those programs and institutions which have helped me, my party, and the communities I seek to serve?

(3) We understand that leftover campaign funds can be used, without being counted against our limit, for newsletters. We have not, in the past, sent out newsletters as such. We could prepare a mailing list of individuals who have expressed interest in our activities, and send them a newsletter. Are we clear in our reading of the law that we can pay for newsletter preparation and mailing from campaign funds? Are there other legitimate uses, clearly non-political to which we can apply these funds without my becoming a candidate or having them counted against my spending limit? For instance, our office allowances for stationery and telephone are proving inadequate. We receive and send more mail than almost anyone in the House. This has also caused a backlog in filing, which an additional clerk, hired out of campaign funds since we have no official positions, could help us handle. Our regular office expenses, including staff travel are costing us more than funds allowed us. Are any of these legitimate uses of campaign funds left over from previous elections without making me a candidate or applying against my limit?

(4) Finally, in addition to questions about continuing my travel schedule and appearances, routine political expenditures and use of left-over campaign funds, we need your opinion on a question directly related to a campaign.

Before any man or woman decides to become a candidate, there is (or ought to be) a period during which he or she assesses the political climate. It is necessary to find out what various groups in society and the political parties want in a candidate. It is a chance for each to look the other over. Some of the appearances may be great successes, and the results can only be to further the candidacy, if it develops. Some of the other meetings may be disasters with the opposition. The essential point is that during these meetings the individual is not campaigning, is not seeking support, is not presenting a program and asking for people to join him in it. Rather, the individual is listening, talking about what "might" be and getting reactions to it. It is the fine difference between "testing the water" and trying to heat the water up.

Do these meetings make the individual, still trying to make up his or her mind on whether to become a candidate, a candidate as defined by the law? If so, what point does an individual, who may someday be a candidate, become a candidate as the result of a visit, formal or informal, to groups or individuals.

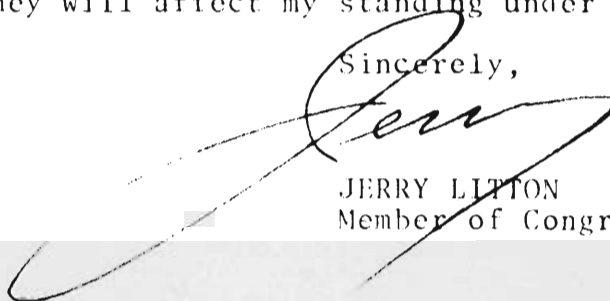
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COUNSEL

Mr. Thomas Curtis
Page 4

We would very much appreciate having your advisory opinions on these matters and copies of any other opinions you feel we would be interested in reading.

Your attention to this, at what we know is a terribly busy time for you, is deeply appreciated. I'm sure you understand the urgency of these questions, since I hesitate to continue many activities or commit myself to new ones until I know how they will affect my standing under the new law.

Sincerely,



JERRY LITTON
Member of Congress

JL/JAtam

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Congress of the United States

House of Representatives

Washington, D.C. 20515

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A handwritten signature in dark ink, appearing to be "M.C.", with several long, sweeping horizontal strokes extending to the right.

M.C.

Mr. Thomas Curtis, Chairman
Federal Elections Commission
1325 K Street, N.W.
Washington, DC 20463

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7 JUL 25 2001
MISSION

JUL 25 10:27 AM

JERRY LITTON
6TH DISTRICT, MISSOURI

WASHINGTON OFFICE:
1502 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-7041

DISTRICT OFFICE:
PLAZA INN INTERNATIONAL
8801 NORTHWEST 112 STREET
KANSAS CITY, MISSOURI 64153
(816) 891-8880

Congress of the United States
House of Representatives
Washington, D.C. 20515

July 16, 1975

CA-002-75 .10.
COMMITTEE ON AGRICULTURE

SUBCOMMITTEES:
FORESTRY-CHAIRMAN
LIVESTOCK AND GRAINS
FAMILY FARMS AND
RURAL DEVELOPMENT

COMMITTEE ON
DISTRICT OF COLUMBIA

SUBCOMMITTEES:
EDUCATION, LABOR AND SOCIAL SERVICES
HOUSING AND TRANSPORTATION
D.C. GOVERNMENT OPERATIONS

Mr. Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance
Federal Election Commission
Washington, DC 20463

Dear Mr. McKay:

I appreciated your letter of July 3, 1975 relative to certain statements you said were attributed to me in connection with expenditures made by me as it relates to the Federal Election Campaign Act and the possibility that I might become a candidate for the U.S. Senate.

I presume that statement attributed to me to which you have reference is one which appeared in the Sunday, June 22, 1975 St. Louis Post-Dispatch. This article, written by Richard K. Weil, Jr. said:

"As he told a recent cocktail gathering in Kansas City: 'When I go to St. Louis, as I did last week, that didn't count against my campaign limit.' (because he still is not formally a candidate) 'When Warren Hearnes (already an announced candidate) comes to Kansas City, that goes against his limit.' In an interview with the Post-Dispatch, Litton was even more explicit. 'He (Hearnes) is going to be out of money when he needs it most'."

First, let me say that I am not now a candidate for the U.S. Senate. I have not indicated I will become a candidate. I have not even said that I will probably be a candidate. I have continually said I have not made up my mind and that there is plenty of time for me to do so. I have also repeatedly said that those who think I have made up my mind are badly mistaken. Neither have I asked anyone to support me. I am not raising campaign funds, nor am I even spending funds left over from my 1974 Congressional campaign, except for routine, minor expenditures for political and civic activities in my Congressional district. To the best of my knowledge, no one has been authorized and no one is raising money to further my potential candidacy.

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JUL 21 1975

Mr. Gordon Andrew McKay
Page 2

I have continued my schedule of speaking engagements throughout the state of Missouri which I have maintained for 18 years. (15 of which was before I had ever held or sought any public office) I am continuing to speak out of state as well. I have made stops in parts of Missouri where I have not had much exposure. On some of these stops I have inquired as to whether or not the people would like me to become a candidate. I have not asked for anyone's support.

Relative to my statement in the St. Louis Post-Dispatch; when traveling from Washington to my district I almost always land at the Kansas City airport. I also almost always fly out of National Airport in Washington since it is more convenient. This means I always have a stop-over on the way to Kansas City. Several of these flights stop in St. Louis. Return flights from Kansas City to Washington also stop in St. Louis.

This means that I can visit St. Louis on the way to and from my district at no added expense. Since my visit to St. Louis (other than possible taxi fare) did not cost anything, I can't see how it could go against my limit if I should at some later date become a candidate. The same option, I assume, is available to Warren Hearnes, when for instance, he is in Kansas City (or any other town) on business for his law firm.

The main thrust of my comments in the past relative to expenditures of Warren Hearnes (and the basis of my comment to the effect that Hearnes will be out of money when he needs it most) is that Hearnes is now actively campaigning as an official candidate. He is sending out mail, making campaign trips, giving campaign speeches, etc. Obviously, he intends to spread out his campaign limit over a period in excess of a year's time. Candidates who are not now maintaining an active campaign schedule will obviously have more later...when they will probably need it most.

I personally feel limits in the new Federal Election Campaign Act are going to substantially shorten the time candidates for statewide office spend actively campaigning. The simple act of paying a staff, paying rent on a headquarters, or accepting in-kind value of a headquarters, taking care of travel, etc., for a year or so, is such that not much would be left for media. Official candidates on the campaign trail have many requests made of their time for speeches, appearances, etc. Those deciding to run the campaign at a later date obviously will not have their limit eaten up by these costly administrative

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The thrust of my comment to you is that one of the main effects of this low limit of campaign spending is to shorten campaigns. The low limits just won't permit a long campaign because the funds aren't such to support such long campaigns. Those who elect to carry out a long campaign will have the advantage of time and of being places first. They will have the disadvantage of possibly "being out of money when they need it most". However, they can't have it both ways.

It has also occurred to me that if the Federal Election Campaign Act were interpreted in a broad sense, a Senator following his election to a six-year term who spent any money traveling, speaking, etc., within his own state, which could be interpreted as being to advance his reelection, would have his limit spent long before it was even time for him to file for reelection. I am sure this is a matter to which the Commission has given careful consideration.

I was interested in running for the U.S. Congress for many years (17 to be exact) before I announced my candidacy, set up a campaign committee, collected funds, etc. During those 17 years I did many things that one could consider as advancing what I thought might later be a candidacy for the U.S. Congress. If these expenditures over the years had been counted against my later candidacy, I would have hit my limit years before I filed.

The Commission should realize, whether the drafters of the law recognized it or not, that there are those individuals, both incumbent and non-incumbent, who maintain active travel and speaking schedules and have done so for years. Just because they are considering or being talked about as potential candidates should not interfere with their rights to travel freely, accept speaking invitations, and even meet with those groups who specifically invite them so the group can look over what they believe may be a candidate some day. This just doesn't seem to address itself well to the long time period prior to a Senate election when many candidates are under discussion and consideration, and they are attempting to continue their activities of a lifetime without becoming a candidate before they are ready.

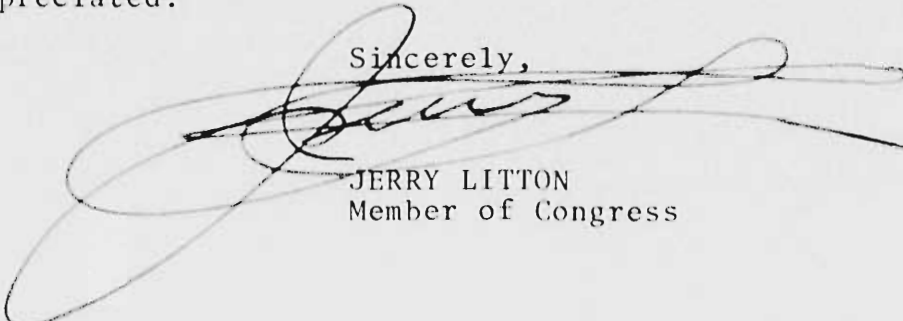
I do think these gray areas need to be cleared up soon or we will find ourselves involved in more election controversy than this country needs on the heels of Watergate.

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Mr. Gordon Andrew McKay
Page 4

Your thoughts and comments on the above would be
very much appreciated.

Sincerely,


JERRY LITTON
Member of Congress

JL/tam

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Congress of the United States

House of Representatives

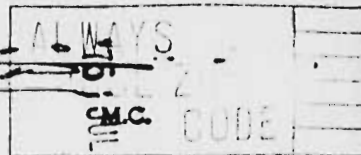
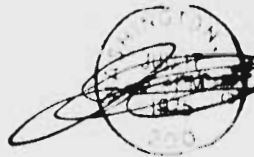
Washington, D.C. 20515

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GENERAL COUNSEL

Mr. Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance
Federal Elections Commission
Washington, DC



21 JUL 11:00

UNITED STATES HOUSE OF REPRESENTATIVES

Office of the Clerk
Washington, D.C.

REPORT OF RECEIPTS AND EXPENDITURES
FOR A
POLITICAL COMMITTEE

SUPPORTING ANY CANDIDATE(S) FOR NOMINATION OR ELECTION TO THE
UNITED STATES HOUSE OF REPRESENTATIVES

Litton's Supporters for Better Government
(Full Name of Committee)

(formerly Litton for Congress - 74)

Box 220
(Street)

Chillicothe, MO 64601
(City, State, ZIP code)

☐ Check if New Address

Identification Number

H.R.- 032344

NOTE: If you have not registered then a complete Registration (H.R. Election Form 1) must accompany this Report. If you have registered and a number has been assigned, so indicate.

TYPE OF REPORT

(Check Appropriate Box and Complete, if Applicable)

- | | |
|--|--|
| <input type="checkbox"/> March 10 report | <input type="checkbox"/> Termination report |
| <input checked="" type="checkbox"/> March 10 report July 10 report | <input type="checkbox"/> Suspension report |
| <input type="checkbox"/> September 10 report | <input type="checkbox"/> Amendment to _____ report |
| <input type="checkbox"/> January 31 report | |
| <input type="checkbox"/> Fifteenth day report preceding _____ election on _____
(Primary, general, special, runoff, caucus, or convention) (Date) | |
| <input type="checkbox"/> Fifth day report preceding _____ election on _____
(Primary, general, special, runoff, caucus, or convention) (Date) | |

VERIFICATION BY OATH OR AFFIRMATION OF TREASURER

State of Missouri
County of Livingston

I, Clinton F. Hutchinson, being duly sworn, depose (affirm) and say
(Full Name of Treasurer of Committee)
that this Report of Receipts and Expenditures is complete, true, and correct.

CL. Hutchinson
(Signature of Treasurer of Committee)

Subscribed and sworn to (affirmed) before me this 3rd day of July, A.D. 1972.

Frederick H. Walker
(Notary Public)

[SEAL]

My commission expires 20, 1976

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
The Clerk, U.S. House of Representatives
Office of Records and Registration
1036 Longworth House Office Building
Washington, D.C. 20515

SUMMARY PAGE

Name of Committee Litton's Supporters for Better Government
(formerly Litton for Congress - 74)REPORT COVERING PERIOD FROM March 1, 1975 THRU June 30, 1975

	Column A— This period	Column B— Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	\$ -	
b. Unitemized	\$ 35.00	
Total individual contributions	\$ 35.00	\$ 135.00
Part 2. Sales and collections:		
Itemized (use schedule B and as necessary schedule A*)	\$ None	\$ None
Part 3. Loans received:		
a. Itemized (use schedule A*)	\$ -	
b. Unitemized	\$ -	
Total loans received	\$ None	\$ None
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	\$ -	
b. Unitemized	\$ 18.07	
Total other receipts	\$ 18.07	\$ 18.07
Part 5. Transfers in:		
Itemize all (use schedule A*)	\$ -	\$ 500.00
TOTAL RECEIPTS	\$ 53.07	\$ 653.07
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	\$ -	\$ 1,348.60
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	\$ 522.06	
b. Unitemized	\$ -	
Total expenditures for personal services, salaries, and reimbursed expenses	\$ 522.06	\$ 522.06
Part 8. Loans made:		
a. Itemized (use schedule D*)	\$ -	
b. Unitemized	\$ -	
Total loans made	\$ None	\$ None
Part 9. Non-media and other expenditures:		
a. Itemized (use schedule C*)	\$ -	
b. Unitemized	\$ 50.00	
Total other expenditures	\$ 50.00	\$ 337.80
Part 10. Transfers out:		
Itemize all (use schedule D*)	\$ 380.00	\$ 380.00
TOTAL EXPENDITURES	\$ 952.06	\$ 2,568.46

SECTION C—CASH BALANCES:

Cash on hand at beginning of reporting period	\$ 9,500.32
Add total receipts (section A above)	\$ 53.07
Subtotal	\$ 9,643.39
Subtract total expenditures (section B above)	\$ 952.06
Cash on hand at close of reporting period	\$ 8,691.33

SECTION D—DEBTS AND OBLIGATIONS:

Part 11. Debts and obligations owed to the committee (use schedule E*)	\$ NONE
Part 12. Debts and obligations owed by the committee (use schedule E*)	\$ NONE

* Schedules are to be used only when information is required. (See each schedule for more detail.) When information is unnecessary for a given Part, the amount of any amounts for that Part is to be entered as a lump sum on the "Total" line of the appropriate Part of the Summary Report. The amount should be entered on any line of the Summary Report when no amount is to be reported.

SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

Litton's Supporters for Better Government
(Full Name of Candidate or Committee)

Part No. 7
(Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code	Occupation and Principal Place of Business, if any (If self-employed, also check box)	Amount of Expenditure This Period
			Aggregate Year-to-Date
6-4-75	Pat Danner Plaza Inn International 8801 N.W. 112th St. Kansas City, MO 64153	Secretary, Congressman Litton's District Office Reimbursed travel expenses <input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$ 135.50
6-19-75	Congressman Jerry Litton 1502 Longworth House Office Building Washington, D. C. 20515	Congressman, 6th District Reimbursed hotel, motel and travel expense <input type="checkbox"/> for re-election campaign	This period \$ Aggregate Year-to-Date \$ 396.56
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$
		<input type="checkbox"/>	This period \$ Aggregate Year-to-Date \$

TOTAL THIS PERIOD 522.06
(Last page of this Part only)

SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

Litton's Supporters for Better Government
(Full Name of Candidate or Committee)

Part No. 10
(Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

[illegible]

TOTAL THIS PERIOD 392.00
(Last page of this Part only)

**FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL**

77040010349

Form 3811, Nov. 1973

SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space
reverse.

1. The following service is requested (check one).

<input type="checkbox"/> Show to whom and date delivered.....	15¢
<input type="checkbox"/> Show to whom, date, & address of delivery..	35¢
<input type="checkbox"/> DELIVER ONLY TO ADDRESSEE and show to whom and date delivered.....	65¢
<input type="checkbox"/> DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery	85¢

2. ARTICLE ADDRESSED TO:
*Ferry hitting
43 House
WASH DC 20575*

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
438015

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE
Abraham Lincoln

4. DATE OF DELIVERY: *JUL 02 AM* POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE OF:
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL
INITIALS

GPO : 1974 O - 557-503

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

CA-1975-002(e)
.7.

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 3, 1975

438005

The Honorable Jerry Litton
1502 Longworth House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Litton:

It has come to the attention of the Federal Election Commission that certain published and broadcast statements attributed to you claim that certain expenditures you may have made in connection with a Federal election are not subject to the disclosure and limitation provisions of the Federal Election Campaign Act, as amended, since you have not yet announced your candidacy for election to Federal office.

Please be advised that under the provisions of Section 608 of Title 18 of the United States Code, such expenditures may be chargeable against the expenditure limitations set forth in that section, irrespective of a formal announcement of candidacy.

An individual, for purposes of disclosure and the limitation provisions of the Act and Section 608 of Title 18, may become a "candidate" for Federal office whether or not such individual has made a formal announcement of his candidacy or has taken the necessary steps to qualify as a candidate under the provisions of State law. In 2 U.S.C. 431(b) and 18 U.S.C. 591(b) a candidate is defined as " . . . an individual who seeks nomination for election, or election, to Federal office . . . if he has . . .

- 2) received contributions or made expenditures,
or has given his consent for any other person
to receive contributions or make expenditures,
with a view to bringing about his nomination
for election, or election, to such office"
[underscoring added].

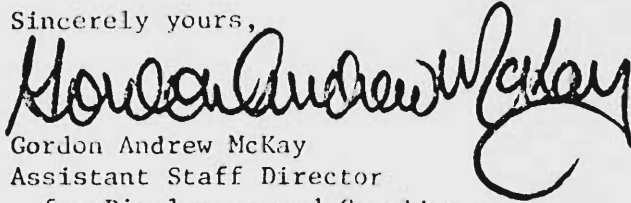
FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77010010350

-2-

I enclose a copy of the Federal Election Campaign Laws and call your attention to Section 437(f), wherein you are entitled to request a formal advisory opinion on this matter from the Commission. In the alternative, the Commission would welcome any comments or explanatory material you may wish to submit. Please do not hesitate to contact me on 202/382-6023 if further guidance or assistance is required.

Sincerely yours,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

Enclosure as stated

GAM:vlf

770100151

FEDERAL ELECTION COMMISSION
FILE COPY
GENERAL COUNSEL

Hearnes, Padberg, Raack, McLuceney & Slater

A Professional Corporation

ATTORNEYS AT LAW

1015 Locust Street, Suite 800

St. Louis, Missouri 63101

Honorable Thomas Curtis
1325 K. Street N.W.
Washington, D. C. 20005



JUN 17 PM 4:10

COMMISSION

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

-1975-002(7)
.6.

FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

July 3, 1975

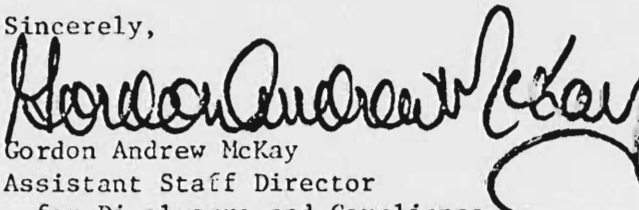
Warren E. Hearnnes, Esq.
Hearnnes, Padbery, Racick,
McSweeney & Slater
1015 Locust Street, Suite 800
St. Louis, Missouri 63101

Dear Mr. Hearnnes:

We are in receipt of copies of your letters dated June 11, 1975, to various radio stations in the State. We have directed an inquiry to Congressman Litton regarding the matter you have raised in your letters.

If this Office can be of assistance to you, please contact me.

Sincerely,


Gordon Andrew McKay
Assistant Staff Director
for Disclosure and Compliance

GAM:vlf

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
Office of General Counsel

77040010353

KMRN

"Radio 1360"

CAMERON RADIO INCORPORATED

FEDERAL ELECTION
COMMISSION

JUL 9 AM 11:06

P. O. BOX 221 - CAMERON, MISSOURI 64429

July 2, 1975

Hearnes, Padberg, Raack, MCSweeney & Slater
Attorneys at Law
1015 Locust Street, Suite 800
St. Louis, Missouri 63101

Dear Sir:

After consulting with our attorneys, legal advisement from the Missouri Broadcasters Association, examination of Sections 2 and 17 of the Missouri Campaign Spending Laws and federal laws to this regard, we do not feel we can comply with your request stated in your June 11 letter.

Our examination of your request and legal advisement indicate to us we are not obligated to provide you with equal time, at this time.

Sincerely,

Andy Milloughby
Andy Milloughby
Manager,

AW/

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K. Street N. W.
Washington, D. C. 20005

cc: Missouri Broadcasters Association
121 East High Street
Jefferson City, Missouri 65101



"RADIO 1360"
P. O. Box 1360
Cameron, Mo. 64429

"Heart of the Nation"

7701010

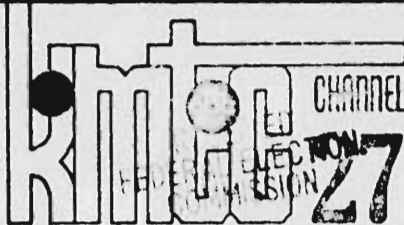


Honorable Thomas Curtis
1325 K Street N. W.
Washington, D. C. 20005

AM 10:59

POST OFFICE





Midland Television Corporation

3000 Cherry St. • Phone 862-7091
SPRINGFIELD, MISSOURI 65804

CA 1975-002(g)

June 27, 1975

Mr. Warren E. Hearnese
1015 Locust Street, Suite 800
St. Louis, Missouri 63101

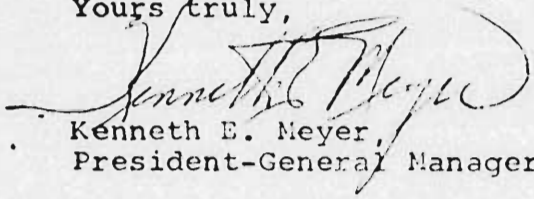
Dear Mr. Hearnese:

Our manager of our station in Lexington, Ed Learman, has referred to me your request for equal time.

It is our interpretation of the equal time provision that you would not be entitled to equal time until such time as Congressman Litton files. To our knowledge, this filing for the Senate has not been made. If you have any information that indicates that he has filed for the seat, we would be happy to receive it and would offer you equal time from that date forward. The instances referred to do not, in our judgement, constitute a valid filing.

Again, our interpretation of the Missouri law does not agree with yours, however, since it is new, I will ask our local attorney, George Baldridge to review it.

Yours truly,


Kenneth E. Meyer,
President-General Manager

KEM/djb

CC: Federal Communications Commission, Washington, D.C.
Ed Learman, KLEX
Honorable Thomas Curtis, Washington, D.C.
George Baldridge, Joplin, Missouri
John Wilner, Washington, D.C.

77010010356

77010010
abc CHANNEL 27
3000 CHERRY STREET

Midland Television Corporation

• SPRINGFIELD, MISSOURI 65804

Honorable Thomas Curtis

1325 K Street N.W.

Washington, D.C. 20005

10 JUL 9 AM 11:00

SECTION
SION

ST. JOSEPH



FEDERAL ELECTION
COMMISSION

716 Francis Street • St. Joseph, Missouri 64501 • 816-279-1234 • 816-279-1245

June 19, 1975

Mr. Warren E. Hearnese
Hearnese, Padberg, Raack, McSweeney & Slater
1015 Locust Street Suite 800
St. Louis, Missouri 63101

Dear Mr. Hearnese:

This letter is in response to your letter of June 11, 1975, in which you ask for "equal time" from this cable system for the broadcast time given to "Dialogue with Litton" since the beginning of this year.

St. Joseph Cablevision is a cable TV system with 15,000 subscribers that spends a modest amount of effort in the cablecasting or broadcasting area. It is the objective of our origination effort to primarily cover local people and local events at a modest cost. Advertising does not make up a significant amount of our revenues, so we are not interested in productions that are very expensive to cover. "Dialogue with Litton" is a program that has been carried by our system since its inception. The video tapes are sent to us shortly after the program is completed and we play them back a couple of times in the next few days for the enjoyment of our subscribers.

It is my opinion that you are not entitled to "equal time" on our Cablevision channel because: 1) Congressman Litton is not an announced candidate for the office of U.S. Senate that you have announced for; 2) the primary election for the office you seek is still over a year away; and 3) we have historically carried the "Dialogue with Litton" program for the benefit of our subscribers. Therefore, in my opinion you are not entitled to the "equal time" provisions of the FCC rules.

If there are any facts or legal provisions I am overlooking I would be receptive to re-considering this decision.

As a news media we would be most happy to actively cover any news worthy activities you have in St. Joseph, Missouri. Any time you are in St. Joseph we would like to have you into our Cablevision Studio and tape any program you might have.



Page 2
June 17, 1975

We are interested in working with you but feel your "equal time" demands are unjustified at this time.

Cordially,

Donald R. Eggebrecht
General Manager

DRE:em

cc: Federal Communications Commission
Washington D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D.C. 20005

7701011359

ST. JOSEPH CABLEVISION

716 Francis Street
ST. JOSEPH, MISSOURI 64501



JUN 27 10:10

NOTICE OF ELECTION COMMISSION
OFFICIAL FILE COPY

Federal Election Commission

Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

CA-1975-0026)

KTGR

1580 AM - 96.7 FM

RECEIVED
FEDERAL ELECTION
COMMISSION

P.O. BOX 412, COLUMBIA, MISSOURI 65201 (314) 449-2433

'75 JUN 19 PM 4:17

June 16, 1975

Hearnes, Padberg, Raack, McSweeney & Slater
Attorneys at Law
1015 Locust Street, Suite 800
St. Louis, Missouri 63101

Dear Sir:

After consulting with our attorneys, legal advisement from the Missouri Broadcasters Association, examination of Sections 2 and 17 of the Missouri Campaign Spending Laws and federal laws to this regard, we do not feel we can comply with your request stated in your June 11 letter.

Our examination of your request and legal advisement indicate to us we are not obligated to provide you with equal time, at this time.

Sincerely,

Pat Mahoney

Pat Mahoney
News Director.

PM/

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D.C. 20005

cc: Missouri Broadcasters Association
121 East High Street
Jefferson City, Missouri 65101

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

KTER

1580 97
AM FM

P.O. Box 412

Columbia, Missouri 65201



Honorable Thomas Curtis
1325 K Street N.W.
Washington, D.C. 20005

CA-1975-002(d)

.5.

June 30, 1975

Ms. Wilhelmina D. Roberts
592 Virginia Avenue
St. Louis, Missouri 63119

Dear Ms. Roberts:

In response to your request of June 24, 1975, enclosed please find a copy of a booklet entitled "Federal Election Campaign Laws" compiled under the direction of the Secretary of the United States Senate. I direct your attention to Paragraph "(b)", Section 591 of Title 18 of the United States Code which defines a "candidate."

You may be assured that the Commission has duly noted your letter, and the attachments thereto. If the Commission can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

Orlando B. Potter
Staff Director

Enclosure as stated

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040310363

75 JUN 26 AM 10:52
633 N. Virginia Avenue
St. Louis, Mo. 63119
June 24, 1975

Executive Director
Federal Election Commission
Washington, D. C.

Dear Sir:

The enclosed clipping is part of the first of two articles in a local newspaper reporting on the campaign activities of a Missouri candidate for United States Senator.

I am interested in the statement that Mr. Litton's delay in formally filing for nomination is due to his wish to avoid having current expenditures attributed to his spending limitation under the Federal election law.

Although I do not have on hand the the 1974 Federal law, I did try to keep abreast of changes made by that new law during its consideration by the House and Senate and the later changes made in conference committee before final enactment. I do not recall the new law making any substantial change in the definition of "candidate". In the 1971 law, the definition of that term included wording to the effect that a person is deemed to be a candidate if he has taken action necessary under state law to qualify for nomination or election or has received contributions or made expenditures with a view to bringing about his nomination or election.

If that definition is still in effect and if it applies to the section of the law setting expenditure limitations, would not Mr. Litton's current expenditures to promote his candidacy be attributed to his primary election spending limit?

I should add that I have no interest in the candidacy of Mr. Litton or any of his possible opponents. I am a student of election laws and had a major role in the enactment of Missouri's new campaign spending law.

Are copies of the Federal election law available? If so, I shall greatly appreciate your sending me a copy as well as a reply to the above question.

Sincerely,

Wilhelmina D. Roberts
Wilhelmina D. Roberts

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040112393
77040010364

57 JUN 26 AM 10:14



Executive Director
Federal Elections Commission
1325 F Street, N.W.
Washington, D. C. 20463

Country-Style Orator Stumping For Senate

By RICHARD K. WEIL JR.
Of the Post-Dispatch Staff

FIRST OF TWO ARTICLES

JERRY LON LITTON is a once-poor farm boy who became a millionaire cattle rancher. Now, as a second-term member of Congress from northwest Missouri, he is counting on out-state strength to win the Democratic nomination next year for United States Senator.

Although he thrives on his country-boy image, Litton, 38 years old, is a sophisticated politician and something of a media genius.

He fills more speaking engagements than most of his congressional colleagues. And his monthly television show — "Dialogue with Litton" — has given him wide exposure throughout most of Missouri, except for the St. Louis area and the southeast region.

Litton plans to withhold his formal announcement of candidacy until early next year. But he is already running hard for the Senate seat to be vacated by his one-time political idol, Stuart Symington.

"I would like to think that I could lead out-state, which produces 53 to 55 per cent of the votes in a Missouri election; and in the Kansas City area, which turns out between 11 and 13 per cent of the vote," Litton says.

He believes his major opponents for the nomination — former Gov. Warren E. Hearnes of Charleston and Representative James W. Symington of Ladue — will fight each other to a draw in the St. Louis area, which produces about 34 per cent of the vote.

BUT EVEN HERE, Litton isn't conceding anything. He has started making twice monthly visits to the St. Louis area, appearing at breakfast meetings and coffee hours and making dinner speeches.

He thinks he can get a hefty slice of the St. Louis vote and carry some strength in this area into the final election against Missouri Attorney General John C. Danforth, who appears to be the sure-fire Republican nominee.

The principal logic behind Litton's delay in filing his candidacy is simple. Federal election law places a spending limit of \$270,000 on the primary and roughly \$350,000 on the final election.

As he told a recent cocktail gathering in Kansas City: "When I go to St. Louis, as I did last week, that didn't count against my campaign limit (because he still is not formally a candidate). When Warren Hearnes (already an announced candidate) comes to Kansas City, that goes against his limit."

In an interview with the Post-Dispatch, Litton was even more explicit: "He (Hearnes) is going to be out of money when he needs it most."

RAISING MONEY for the 1975 Senate campaign will be no problem, Litton tells his supporters, but the strategy in spending it will be critical.

Holding off the announcement enables Litton also to avoid the equal time restrictions on television coverage and to escape embarrassment if unforeseen circumstances should force him out of the race.

Litton contends that the political pundits have overestimated Hearnes's out-state strength. The former Governor has been roughed up politically by a federal grand jury investigation into his administration. Litton says that Hearnes will be viewed by voters as "a machine-type candidate who will be unable to defeat John Danforth."

James Symington, despite his widely known name, will have difficulty campaigning across the state, Litton says. "It's possible to campaign in St. Louis and Kansas City via the media alone," he says. "But the only way to campaign in Moberly or Macon is to be there."

That's where Litton's chief political strength lies. He has been stumping out-state since his high school days in Chillicothe when he was Missouri president of the Future Farmers of America. By the time he was studying journalism at the University of Missouri, Litton held national office with the Future Farmers and was stumping across the nation.

When he was a college sophomore, two weeks of appearances in Colorado netted him \$2850 — enough to purchase a new Ford Thunderbird the day he came home.

For his appearances over a 31-day period last January, Litton collected \$6000 in fees, which he used to help finance the operation of his office. He generally charges \$500 plus expenses for speeches outside the state.

And inside the state, one fellow member of Congress complains: "Litton seems to speak more often in my district than I do."

A few of his more senior colleagues view Litton as a somewhat brash publicity hog.

In Congress, Litton is a dynamo working long days, shunning the cor circuit (he doesn't drink), and spending woefully little time with his wife and their two children.

WHAT MAKES Jerry run?

The Representative conceivably has something in the memories of his father's youth. As Jerry reconstructs it, his father, now 67, had to beget married and to buy a farm in Springfield during the Depression. He worked as a gravel-t off the debt. When he drove one day, he found a truck beneath the wheel.

Charles Litton

years. His father made money by selling cows.

After 1

Charles

baler

for

LITTON

his

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

1015 Locust Street, Suite 800

St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KMRN
Box 221
Cameron, Missouri 64429

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

Please be advised that neither the Federal Law nor the new State Law require an official announcement to come under the jurisdiction of either Commission. Considering the above, I am requesting equal time from January 1, 1975. (the date the new Missouri law went into effect) I know that you will consider this not only fair, but in keeping with the "equal time" requirement of the FCC.

Please advise.

Sincerely,

Warren E. Hearnes

WEM:maI

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater
A Professional Corporation

ATTORNEYS AT LAW

1015 Locust Street, Suite 800
 St. Louis, Missouri 63101

WARREN E. HEARNES
 GODFREY P. PADBERG
 WILLIAM J. RAACK
 EDWARD P. MCSWEENEY
 R. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERZ
 CHRISTOPHER A. REID
 GLENN A. ALTMAN

June 11, 1975

KMA
 Lowell & Elm Streets
 Shennandoah, Iowa 51601

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEK:aml

cc: Federal Communications Commission
 Washington, D.C.

cc: Honorable Thomas Curtis
 1325 K Street N.W.
 Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
 OFFICIAL FILE COPY
 OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater
A Professional Corporation

ATTORNEYS AT LAW

1015 Locust Street, Suite 800
St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERZ
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

KCUR
524 Pierce
Kansas City, Missouri

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

WDAF-KYYS
Signal Hill
Kansas City, Missouri 64108

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KHMO
119 North Third Street
Hannibal, Missouri 63401

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KCFV
3400 Pershall
Ferguson, Missouri

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:raml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
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WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KTGR
Box 412
Tiger Hotel
Columbia, Missouri 65201

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:sm1

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

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Hearnes, Padberg, Raack, McSweeney & Slater

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*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

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GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KCHI
917 Jackson Street
Chillicothe, Missouri 64601

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

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Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KAOL
Box 254
Carrollton, Missouri 64633

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Warren E. Hearnes

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Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

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St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KGIM
107 South Main Street
Brookfield, Missouri 64628

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

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OFFICE OF GENERAL COUNSEL

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A Professional Corporation

ATTORNEYS AT LAW

1015 Locust Street, Suite 800
St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER

AREA CODE 314 • 621-3767

CHARLES L. MERZ
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

KBMA
BMA Tower
1 Penn Valley Park
Kansas City, Missouri 64108

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

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OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

*1015 Locust Street, Suite 800
St. Louis, Missouri 63101*

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

Maryville Cable Television, Inc.
116 West Third
Maryville, Missouri 64468

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Please advise.

Sincerely,

Warren E. Hearnes

WEH:ml

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

A Professional Corporation

ATTORNEYS AT LAW

1045 Locust Street, Suite 800

St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERZ
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

Cablevision
716 Francis
St. Joseph, Missouri 64501

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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cc: Federal Communications Commission
Washington, D.C.

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1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater
A Professional Corporation

ATTORNEYS AT LAW

1015 Locust Street, Suite 800
St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERZ
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

KTVO
211 East 2nd Street
Ottumwa, Iowa 52501

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040010387

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

1015 Locust Street, Suite 800

St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

KQTV
Box 268
40th & Faraon Street
St. Joseph, Missouri 64506

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Warren E. Hearnes

WEH:al

cc: Federal Communications Commission
Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Hearnes, Padberg, Raack, McSweeney & Slater

ATTORNEYS AT LAW

1015 Locust Street, Suite 800

St. Louis, Missouri 63101

WARREN E. HEARNES
GODFREY P. PADBERG
WILLIAM J. RAACK
EDWARD P. MCSWEENEY
R. J. SLATER
JOHN F. MCCARTNEY

AREA CODE 314 • 621-3787

June 11, 1975

77040010382
KHQA
510 Main Street
Quincy, Illinois 62301

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Washington, D.C.

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1015 Locust Street, Suite 800
St. Louis, Missouri 63101

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EDWARD P. MCSWEENEY
H. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERT
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

KLMX-KBEK
Box 128
KLEX Building
East U. S. Highway 24
Lexington, Missouri 64067

Dear Sir:

As you know, I am a candidate for the Democratic nomination for the United States Senate in Missouri. It has been called to my attention that your station has been running a program "Dialogue with Litton". As you know, Congressman Litton has been actively seeking support for the same office that I seek. One specific meeting was on Thursday, May 29, at 1129 Glenside Lane, in St. Louis, Missouri, hosted by Representative Fred Williams, a Member of the Missouri House, in which he pointed out that by holding off his official announcement, that my expenses would be charged against that allowed by law while expenses that he incurs would not.

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Washington, D.C.

cc: Honorable Thomas Curtis
1325 K Street N.W.
Washington, D. C. 20005

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A Professional Corporation

ATTORNEYS AT LAW

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St. Louis, Missouri 63101

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EDWARD P. MCSWEENEY
R. J. SLATER

AREA CODE 314 • 621-3787

CHARLES L. MERZ
CHRISTOPHER K. REID
GLENN A. ALTMAN

June 11, 1975

KOMU
University of Missouri
Columbia, Missouri 65201

Dear Sir:

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Washington, D.C.

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1325 K Street N.W.
Washington, D. C. 20005

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

<u>Date</u>	<u>Sponsor</u>	<u>People</u>	<u>Location</u>	<u>Total Receipts</u>	<u>Qualified Expenses</u>	<u>Net Honorarium</u>
1/8	Agriservices Foundation	Congressman	San Antonio, TX	805.47	165.00	640.47
1/9	Ohio Cattlemen's Association, Inc.	Congressman	Columbus, OH	102.73	146.00	- 43.27
1/10	Ark-La-Tex Agricultural Council	Congressman	Shreveport, LA	253.47	141.00	112.47
1/11	National Association of Animal Breeders	Congressman	Denver, CO	829.47	136.50	692.97
1/12	International Maine-Anjou Association	Congressman	Denver, CO	829.47	175.00	654.47
1/14	White Farm Equipment Company (film)	Congressman	Washington, D.C.	500.00	0	500.00
1/16	Farm and Industrial Equipment Institute	Congressman	Boca Raton, FL	674.73	174.73	500.00
1/17	Southeastern Aerial Applicators	Congressman	Ft. Walton Bch, FL	300.00	0	300.00
1/21	Mo Ag Industries Council, Inc.	Congressman	Tan-Tara, MO	140.71	140.71	0
1/24	Trojan Seed Company	Congressman, A.A., L.A.	St. Joseph, MO	1030.19	530.19	500.00
1/25	Mississippi Valley Farm Equipment Association	Congressman	St. Louis, MO	676.73	0	676.73
1/29	Southeastern Poultry and Egg Association	Congressman	Atlanta, GA	1150.73	150.73	1000.00
1/31	Deep South Farm and Power Equipment Assn.	Congressman, L.A. guest, wife	New Orleans, LA	725.88	545.88	180.00
2/3	Federal Land Bank Association	Congressman	St. Louis, MO	640.71	140.71	500.00
2/11	Spokane Chamber of Commerce-	Congressman, wife, Press Sec, P. Asst., L.A.	Spokane, WA	944.00	944.00	0
2/15	O. A. Cooper Company	Congressman, Press Sec, Press Asst.	Lincoln, NE	754.41	180.00	574.41
2/21	U. S. Feed Grains Council	Congressman, D.A., guest	Scottsdale, AZ	764.23	545.23	219.00
2/21	Barton County Farm Bureau	Congressman	Lamar, MO	61.73	61.73	0
2/22	Western Association	Congressman	Kansas City, MO	728.73	0	728.73
3/7	Southwestern Hardware and Implement Association	Congressman	Ft. Worth, TX	770.74	270.74	500.00
3/14	Southern Illinois University	Congressman	Carbondale, IL	800.00	252.00	548.00

<u>Date</u>	<u>Sponsor</u>	<u>People</u>	<u>Location</u>	<u>Total Receipts</u>	<u>Qualified Expenses</u>	<u>Net Honorarium</u>
3/20	National Pork Producers Council	Congressman	Kansas City, MO.	728.73	228.73	500.00
4/4	Federal Intermediate Credit Bank of Houston	Congressman	Houston, TX	770.74	270.74	500.00
4/6	Drury College	Congressman	Springfield, MO	100.00	0	100.00
4/25	The Missouri Bar	Congressman	Kansas City, MO	252.89	252.89	0
5/6	Delmarva Poultry Industry, Inc.- Congressman, Appt. Sec, Press Sec, Sec		Salisbury, MD	1246.40	246.40	1000.00
5/9	Missouri Life Underwriters Association	Congressman	Kansas City, MO	240.00	240.00	0
5/16	Warrensburg School District R-VI	Congressman	Warrensburg, MO	200.00	0	200.00
5/20	Marshall School System	Congressman	Marshall, MO	100.00	0	100.00
5/30	Columbia School District	Congressman	Columbia, MO	164.60	64.60	100.00
6/11	Missouri Young Bankers Conference	Congressman	Tan-Tara, MO	196.73	196.73	0
6/15	Martha Keys Congressional Forum	Congressman	Leavenworth, KA	240.00	240.00	0
6/21	The American Jersey Cattle Club	Congressman	Louisville, KY	652.00	152.00	500.00
6/21	Colorado Cattlemen's Association	Congressman	Montrose, CO	836.00	336.00	500.00
6/27	Florida Cattlemen's Association	Congressman	Orlando, FL	710.00	210.00	500.00
7/7	Minnesota Agriculture Education Summer Workshop	Congressman	Fargo, ND	574.00	274.00	300.00
8/4	1975 All-American Angus Breeders' Futurity	Congressman	Louisville, KY	446.00	^{146.00} 500.00	^{500.00} 500.00
8/6	Park College Commencement	Congressman	Kansas City, MO	70.00	70.00	0
8/22	Pineapple Growers Association of Hawaii	Congressman	San Francisco, CA	857.00	357.00	500.00
8/26	Allied Chemical	Congressman	Hollywood, FL	862.00	362.00	500.00
				ANNUAL TOTAL	\$ 14,583.98	

FEDERAL ELECTION COMMISSION
OFFICIAL FILE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Congressman Jerry Litton

)
)
)
)
)
)

CA 002-75

REPORT OF THE OFFICE OF DISCLOSURE AND COMPLIANCE

AND THE

OFFICE OF GENERAL COUNSEL

77043010187

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JUL 19 1964

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
)
Congressman Jerry Litton) CA 002-75
)
)

REPORT OF THE OFFICE OF DISCLOSURE AND COMPLIANCE
AND THE
OFFICE OF GENERAL COUNSEL

I. Background

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This report covers an investigation undertaken by the Audit and Investigation Division of the Federal Election Commission to determine whether there has been compliance with the provisions of the Federal Election Campaign Act of 1974. The investigation was conducted under authority of Section 437(g) of the Act, and concerned events which took place between January 1, 1975 and July 31, 1975. Negotiations between Counsel for Congressman Litton and the Commission staff commenced after completion of the audit. Counsel for the Congressman and the staff were unable to resolve matters set forth in this report.

II. Findings and Conclusions

Section 431 of the Act defines a "candidate" for Federal office to mean "an individual who seeks nomination for election, or election to Federal office, whether or not such individual is elected, and, for purposes of this

paragraph, an individual shall be deemed to seek nomination for election, or election, if he has -

1. taken the action necessary under the law of a state to qualify himself for nomination for election, or election to Federal office or;

2. received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election to such office.

Persons who become candidates under these criteria are subject to the registration and disclosure provisions of Sections 433 and 434 of the Act respectively, as well as the expenditure limitations with respect to each election imposed by Section 608(c) of Title 18, United States Code.

Allegations were brought to the Commission's attention to the effect that Congressman Jerry Litton of the Sixth District of Missouri had begun a campaign for the Senate in the State of Missouri during the Spring of 1975, and that neither Congressman Litton, nor any committee or other organization supporting him had met the registration and disclosure provisions of the Act. Congressman Litton was also reported to have stated that any expenditures he had made for the purpose of the alleged Senate candidacy would not count against his 18 U.S.C. §608(c) limitations,

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inasmuch as he had not yet formally declared his candidacy for that office.

When advised by the Commission of these allegations, Congressman Litton and his staff made all books and records related to these matters available for Commission inspection and review.

A. THE LITTON SUPPORTERS FOR BETTER GOVERNMENT COMMITTEE

This Committee, formerly named The Litton for Congress '74 Committee, was the principal financial body concerned with Mr. Litton's 1974 Congressional Campaign. The Committee had duly registered with the Clerk of the House as was required under the 1971 Act.

AID has reviewed the reports of Receipts and Expenditures of that Committee for the period January 1, 1975 through June 30, 1975. In our opinion, the Statements of Receipts and Expenditures are essentially in compliance with the provisions of the Act, and involve no expenditures which appear to have been made for the purpose of influencing Mr. Litton's Senate candidacy.

B. THE MISSOURIANS FOR LITTON COMMITTEE

This Committee registered with the Secretary of the Senate on September 25, 1975, under the provisions of the 1974 Act, the same day that Mr. Litton filed as a Senate candidate for the 1976 General Election.

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substantial number of persons comprising part of his electorate, and for which an honorarium was tendered, were included.

For the month of May 1975, we calculated such expenditures to be \$1,213 for appearances within Mr. Litton's Congressional District and \$560.00 for travel within the rest of the state. Insufficient data and records prevented a calculation of expenditures for any period other than the month of May.

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Counsel for Mr. Litton agreed with the audit staff that campaign related expenditures had been made before Mr. Litton's formal declaration of candidacy. On September 29, 1975, they submitted a list of such expenditures for May and June totaling \$654.78 (\$188.58 for May, and \$466.20 for June). Obviously, these calculations are at variance with the audit staff's calculation of \$560.00 in out-of-district travel expenditures for May alone.

D. CONGRESSMAN LITTON'S CANDIDACY

The results of the audit show that Mr. Litton's first "expenditures" as defined by section 431 of the Act, commenced on May 1, 1975. This was confirmed by Congressman Litton's counsel in their letter of September 29, 1975. We and

counsel for Mr. Litton are in agreement that from May 1, 1975, for the purposes of compliance with the provisions of the Act, Congressman Litton would be viewed as a candidate for the Senate.

E. HONORARIA RECEIVED BY THE CANDIDATE

Section 616 of Title 18, prohibits an elected or appointed officer or employee of the Federal Government from accepting any honorarium in excess of \$1,000, excluding amounts accepted for actual travel and subsistence expenses, for any appearance, speech, or article. The total of such honorarium, excluding the reimbursement for actual travel and subsistence expenses, accepted during a calendar year, is limited to \$15,000.

During the audit, an aide to Congressman Litton stated that in some instances, the Congressman had traveled to a specific area to deliver several honoraria speeches, while collecting reimbursement for roundtrip expenses from each group sponsoring such speeches. Many of Congressman Litton's reimbursed expenses also included transportation, and hotel accommodations for staff and wives. The aide was advised that any excessive reimbursement of expenses would be included in the Congressman's honorarium limitation.

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A revised honorarium list was received from the Congressman's office on September 29, 1975. However, it appears that a considerable amount of reimbursements for expenses of the Congressman's staff and their wives were reported as actual reimbursed expenditures of the Congressman, rather than as honoraria. For example; in one instance, the candidate accompanied some members of his staff to Vail, Colorado where they remained until he returned from a speaking engagement in the State of Washington. However, the Congressman shows the expenses incurred by the staff on this trip as reimbursed expenses for his speaking engagement rather than a portion of the honorarium received.

On November 6 , 1975 the staff requested a directive from the Commission concerning what should constitute a legitimate honorarium expense. The Commission took cognizance of the problem that AO 1975-8, dealing with honorarium expenditures, could be viewed as prospective only and that a different standard might therefore be appropriate in Mr. Litton's case. Subsequent negotiations were conducted with the discussion of the Commission meeting in mind.

Although adequate records were not provided beyond May 31, 1975, a review of the Congressman's records indicate reimbursements approximating \$700.00 in excess of the candidate's actual

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F. DIALOGUE WITH LITTON: SIXTH DISTRICT
CONGRESSIONAL CLUB

"Dialogue with Litton" is a half hour television show, broadcasted monthly over an average of seven television and fourteen radio stations reaching about two-thirds of the State of Missouri. The "Dialogue with Litton" show began on March 19, 1973. Beginning in March of 1974, the program carried on the three television stations in Mr. Litton's District. Since that time, as many as twelve television stations have aired the program, although the monthly average is seven stations.

Of the average of seven stations which air the program each month, between four and five stations make no charge for presenting the show. We are advised that these stations carry the show as a public service, inasmuch as the show appears to be quite popular, and has a considerable number of viewers.

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Records of the Sixth District Congressional Club show the following for the period January 1 through June 30, 1975:

Receipts	\$38,445.00	source: membership dues
Expenditures	\$32,564.85	nature: TV production TV air time other media expenses
	4,200.00 (Approx.)	nature: travel membership cards meeting announcements

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The show itself is videotaped before a live audience of Sixth District Congressional Club members, and interested members of the public who pay for their own lunch and view the taping. The show is informal in style, with Congressman Litton and his guest discussing various issues, and answering questions from the audience. Guests include Senators and Congressmen of both parties, and a number of senior government officials. While Mr. Litton receives frequent compliments from his guests, the show is non-partisan in nature, and is oriented towards a discussion of various issues of interest to the audience. No mention is made of Congressman Litton's status as a candidate for any office, including the Senate, and no appeal for support, financial or otherwise, is made on behalf of Mr. Litton or any other candidate or party.

While the show is oriented towards a discussion of various matters of public policy, representatives of Mr. Litton's staff do not contest that it is a most valuable tool in presenting Mr. Litton as an actual or potential candidate for office in a most favorable light. We were advised by Mr. Litton's Administrative Assistant, that Mr. Litton, who personally edits the 90 minute videotapes into the 30 minute format which is shown on television, intends to use excerpts from the shows as political advertisements during future election campaigns.

To further illustrate the costs and viewing areas associated with "Dialogue with Litton" we have attached an appendix containing five exhibits.

1. Expenses concerning the production of "Dialogue with Litton"

Television Production Costs

Meeting Costs

Non-allocable Expenses

Allocable Expenses

2. Viewing figures for TV stations carrying "Dialogue with Litton"

Out of District Missouri

3. Total radio listener figures for stations carrying
"Dialogue with Litton"

4. Congressman Litton's circular on the show

5. Map of Missouri showing areas of TV coverage and radio station locations.

III. Analysis and Recommendation

A. CONGRESSMAN LITTON'S COSTS FOR
SPEAKING ENGAGEMENTS IN MISSOURI

Congressman Litton has conceded in a letter to this office, dated September 29, 1975, and in subsequent negotiations that he made an expenditure related to his Senatorial candidacy as of May 1, 1975. Thus, as of this date, Litton must be considered a candidate within the meaning of the definition of candidate as set forth in 2 U.S.C. §431(b)(2) and 18 U.S.C. §591(b)(2).

In AO 1975-13 published in 40 FR 36747 on August 21, 1975, the Commission ruled that once an individual becomes a candidate "all speeches made before substantial numbers of persons are presumably for the purpose of enhancing his candidacy."

Thus, all costs connected with these speeches would be reportable as an expenditure under the provisions of Title 2 of the Election law and subject to the limitations in 18 U.S.C. §608.

Congressman Litton has argued that AO 1975-13 involves a novel interpretation of the campaign laws and thus should be applied to him on a prospective basis only. Prior to the date of AO 1975-13 -- i.e., August 21, 1975 -- Congressman Litton contends that the Commission should distinguish between Missouri speeches made on Congressional business and campaign-related speeches.

The staff believes Congressman Litton's position has merit and that, accordingly, a distinction should be drawn between the costs for Congressman Litton's speeches within his Congressional district and speeches made in other areas of Missouri. The former would be presumed to involve legitimate Congressional business and therefore would not come within the scope of the Federal Election Campaign Act of 1971, as amended (hereinafter the Act). The latter would be presumed to involve Mr. Litton's Senatorial candidacy and would therefore fall under the coverage of the Act. However, it may be reasonable not to charge Congressman Litton for the costs of out-of-district

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appearances which serve to advance a legitimate party promotional event. This conclusion follows logically from AO 1975-72 (appearing in 40 FR 56589 on December 3, 1975), involving party promotional appearances by a Presidential candidate. Congressman Litton should also be permitted to voucher out of district speaking trips where he subsequently performed some district business. The vouchered costs would be exempt from the Act's coverage whereas the costs not related to official duties would be Senatorial campaign expenses.

B. HONORARIUMS

The issue in this area centers on the meaning of the phrase "actual travel and subsistence," as it is set forth in 18 U.S.C. §616, subd. 1. Litton asserts that the phrase -- for at least the period prior to the date of the Commission's advisory opinion on honorariums (e.g., AO 1975-8, appearing in 40 FR 36747 on August 21, 1975) -- may be construed as excluding expenses paid not only to him but also to those persons who could reasonably be expected to accompany him on his trips.

The staff believes there is merit to this position. Indeed, the Commission has already taken cognizance of it at a meeting in executive session held on November 6, 1975.

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In AO 1975-8, Part C published in the Federal Register on August 21, 1975, (40 FR 36747) the Commission dealt with a request by Senators Mike Mansfield and Hugh Scott asking whether travel and subsistence expenses are included in the \$616 limitation on honorariums.

The Commission concluded that such expenses were not part of the honorariums, noting pertinently:

"... this section on its face shows a legislative intent to treat 'actual travel and subsistence expenses' differently from honorariums. The legislative history of 18 U.S.C. §616 confirms that this view accords with the intent of Congress. (See Congressional Record, daily edition, October 8, 1974, S. 18526.) The legislative history shows a clear Congressional intent to exclude money given for actual transportation expenses, accommodations, and meals, from any amount given as an honorarium to an elected or appointed officer or employee of the Federal Government."

The Commission then went on to conclude:

"Accordingly, it is the opinion of the Commission that the actual costs of transportation, accommodations, and meals are excluded from the limitations on honorariums provided in 18 U.S.C. §616. Thus, Members of Congress who reach the aggregate limit of \$15,000 on honorariums received in any calendar year may continue to accept speaking engagements for which they receive only their own personal actual transportation, accommodation, and meal expenses." (Emphasis added.)

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The opinion appears to state that the phrase "actual travel and subsistence expenses" is limited only to expenses paid for the "appointed officer or employee of any branch of the Federal Government" who accepts the honorarium. Other travel and subsistence expenses -- e.g., payments for staff members and other persons who accompanied the Federal official would be reportable as part of the honorarium and would be subject to the limitations in §616, subds. 1 and 2.

As in the case of most opinions of the Commission involving issues of interpretation that are not clearly foreordained by the express provisions of the Act, there is a convincing argument that AO 1975-8 should be applied prospectively. Accordingly, although the advisory opinion would apply to some reimbursements paid to Congressman Litton this year, it does not apply to the reimbursements involved in the present matter which were made between January 1 and May 31. Therefore, it is necessary to establish a standard for allowable expenses for the pre-May 31 period.

In this regard it would not be illogical for a Federal official to interpret the word "actual" as applying not only to his own travel and subsistence, but also that of his aides and perhaps (though not as logically) to his immediate family.

These persons would be a functional part of the official's travel entourage and their travel and subsistence costs would in a sense be part of his costs. In Congressman Litton's case, as noted in this report, "actual" may be reasonably construed as meaning an aide and his wife. Any travel and subsistence expenses involving other persons would be counted as part of the honorarium; if there is a violation of §616 (which appears likely), the staff believes it would be appropriate for the excess to be returned to the donors without liability for criminal penalties. Congressman Litton's counsel has indicated that this position was acceptable to him.

C. ALLOCATION OF THE COSTS OF "DIALOGUE WITH LITTON"

1. The contents and format of "Dialogue with Litton" are set forth at pages 8 - 11 of this Report. After a careful review in this regard the Commission staff has concluded that "Dialogue with Litton" presently serves two purposes: on the one hand, it is an information vehicle by which Congressman Litton communicates with his constituents; on the other hand, it is a promotional device for enhancing Congressman Litton's Senatorial candidacy. The formula proposed herein (see infra, p. 19) attempts to allocate the production costs of the show between candidacy and non-candidacy related expenditures in a manner that fairly reflects these two purposes.

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U. S. DEPARTMENT OF JUSTICE

Insofar as "Dialogue" serves Congressman Litton's Congressional district it is roughly analogous to a "newsletter of the air". The show was started in March 1973, almost at the start of Congressman Litton's first Congressional term, and like a published newsletter sent under the franking privilege (see 39 U.S.C. §3210), has served as a means for Litton to keep his constituents informed of various public affairs, and, in particular, of his own role in these affairs. Since the cost of preparing or printing frankable mail is not an expenditure within the meaning of the Act (see 39 U.S.C. §3210(f)), it would appear logical not to view the costs of "Dialogue" (insofar as it is directed to Congressman Litton's constituents) as an expenditure.

When "Dialogue" reaches outside of Congressman Litton's Congressional district, it must be assumed that the informative aspect of the show is of secondary importance. Far more significant is the fact that the show, like a campaign circular, acts primarily as an advertisement of Congressman Litton's Senatorial candidacy by presenting him as an articulate man who is doing his job well, and is liked and respected by important government officials. Moreover, in the cases of most television and radio stations this out-of-district coverage is not necessary to insure complete in-district

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coverage. A substantial number of stations receiving tapes of the show are either outside of Congressman Litton's district or strategically located on the fringes of the district.

Since Congressman Litton has acknowledged that he is a senatorial candidate as of May 1, 1975, within the meaning of the Act (see 2 U.S.C. §431(b)), the costs for the coverage of "Dialogue" outside Congressman Litton's Congressional district should not be ignored. In the opinion of the staff, they must be viewed as expenditures calculated to "influenc[e] [Litton's] . . . nomination for election . . . to Federal office" (see 2 U.S.C. §431(f); 18 U.S.C. §591(f)).

Cognizant of the dual impact of the show, the staff believes it would be appropriate to apply the following formula for assessing the proportion of Congressman Litton's monthly television costs which would be allocable as expenditures.

TV and radio audience out of Litton's
C.D. (but in Missouri) _____ x production costs
Total TV and radio audience in Missouri^{1/} _____ of show =

Costs Allocable as Expenditures

^{1/} This formula might be further subdivided so as to come up with separate percentages for the proportion of production costs allocable to radio and the proportion allocable to television. If this is done 48% of the costs and 40% of the radio costs would be expenditures.

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Multiplying this figure by the 44% allocation figure obtained, supra, results in a monthly expenditure figure of \$1,232.00. Since Congressman Litton has been a candidate since May 1, 1975, he would have a total expenditure of \$9,856.00 for the eight "Dialogue" shows produced between May 1 and December 31, 1975.

The formula would not be applied to Congressman Litton after December 31, 1975. Since the production costs of "Dialogue" are likened by counsel for Congressman Litton to those paid out of the Congressman's office account, these costs would by analogy to the office accounts regulation proposed by the Commission (see 11 CFR §113.3), be covered in their entirety as of January 1, 1976. In other words, as of January 1, 1976, Congressman Litton would have to begin reporting the full \$2,800 monthly expenditure for "Dialogue".

2. The Congressman's counsel has argued that the formula advocated herein is inaccurate in that it does not give Congressman Litton a credit for the out-of-state listeners and viewers reached by "Dialogue". He argues that a more accurate formula would read:

TV & Radio audience out of Litton's C.D. (but in Mo.)	x	production costs.
Total TV & Radio audience (including out-of-state listeners and viewers)		

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Using this approach the following result would follow:

$$\frac{101,570 + 91,000}{280,000 + 228,000} = 37.9\% \times \$2,800 = \$1,061.00$$

Congressman Litton's total campaign-related expenditures for "Dialogue" in 1975 under this approach would be \$8,488.00. However, this approach is based on an obvious fallacy.

What is involved in this matter is an allocation between the costs incurred by the Congressman in reaching his constituency and in reaching other Missouri voters out of his Congressional district who might vote for him as a Senatorial candidate. The out-of-state audience impact of the show is irrelevant. This audience is an incidental by-product of Congressman Litton's efforts to utilize television and radio to reach the largest possible Missouri audience. Thus, the so-called costs of reaching the out-of-state audience are simply subsumed under the overall costs of the show.

Although the dollar differences involved between the approach advocated herein and the approach suggested by Congressman Litton are small within the context of this case, the differences could be considerably larger in another situation. For example, under the Congressman's proposal a

Congressional candidate from a district of New Jersey which is contiguous to New York City would be entitled to an expenditure deduction for any proportion of a candidacy-related radio show which reached a New York audience. Such a proportion would probably reduce the candidate's reportable expenditures for the show by a substantial amount. This is notwithstanding the fact that the message of the show had nothing to do with the New York audience.

Congressman Litton's counsel has also proposed the following two formulas for computing the out-of-district impact of "Dialogue":

- (a)
$$\frac{\text{Total Population Litton's C.D.}}{\text{Total Population Litton's C.D.} + \% \text{ of radio and TV audience who are voters}}$$
- (b)
$$\frac{\text{Voting Age Population Litton's C.D.}}{\text{Voting Age Population Litton's C.D.} + \% \text{ of radio and TV audience who are voters}} \frac{2}{/}$$

2/ The actual computations involving the formulas are as follows:

(a)
$$\frac{479,642}{479,642 + 100,066 + 67,747} = 74\% = \underline{26\%} \text{ campaign-related}$$

(b)
$$\frac{327,446}{347,446 + 100,066 + 67,747} = 66\% = \underline{34\%} \text{ campaign-related}$$

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The staff recommends that these formulas likewise be rejected as a basis for cost allocation.

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The top line of each formula is based on an assumption that within Congressman Litton's Congressional district one must ignore the actual audience for "Dialogue" and instead focus on total in-district population or voting-age population, regardless of whether segments of this population failed to listen to or view "Dialogue"; however, outside his district, the Congressman switches the reasoning in his formula and argues that the impact of the show concerns only the percentage of viewers and listeners who are of voting age. Thus, in effect, Congressman Litton is mixing two wholly inconsistent concepts.

The fallacy in Congressman Litton's formulas becomes evident if one assumes a hypothetical situation in which the Congressman were using a newsletter in the same fashion as he is presently using "Dialogue". Congressman Litton would assert that within his district the newsletter affects total population or voting age population regardless of whether only a portion of these persons actually saw or read the material; however, outside the district only persons who saw or read the newsletter would be counted. Such an approach does not accurately reflect reality.

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3. Since some of the costs of "Dialogue" must be counted as expenditures, it is logical to assume that the Sixth District Congressional Club -- whose membership dues are used to pay for "Dialogue" -- is a political committee within the meaning of 2 U.S.C. §431(d) and 18 U.S.C. §591(d) and must accordingly file reports with the Commission.^{3/} Moreover, the proportion of each dues payment by members of the Club which is allocated for out-of-district costs of "Dialogue" must be considered a contribution to Congressman Litton and counted against the \$1,000 individual contribution limitation set forth in 18 U.S.C. §608(b)(1).

The staff recommends that the Commission require the Sixth District Congressional Club to file a report which would include a totaling of the proportion of its dues which were allocated to the out-of-district costs of "Dialogue". The report should also include a listing of all \$500 members of the club, as required by 2 U.S.C. §434(b).

^{3/} A political committee is defined as "any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$1,000" (emphasis added). Since the Sixth District Congressional Club has made \$32,564.85 in expenditures for "Dialogue" from January 1 through June 30, 1975, and since, under any allocation formula, more than \$1,000 of this money must be counted as an expenditure related to Litton's Senatorial candidacy, the club is clearly a political committee.


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FEDERAL
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Re: CA 002-75

EXPENSES CONCERNING THE PRODUCTION OF "DIALOGUE WITH LITTON"

	<u>May</u>	<u>June</u>	<u>July</u>
<u>I. Television Production Costs</u>			
1. Tape Purchases, Director's Fees, shipping exp., etc.	\$1,150	\$2,150	\$ 683
2. House Recording Studio	1,226	862	1,069
3. Television Time Expense	638	622	600
	<u>3,014</u>	<u>3,634</u>	<u>2,352</u>
<u>II. Meeting Costs</u>			
1. Travel: JL & Guests	\$ 396	\$ 34	\$ 947
2. Music Expense	400	400	400
3. Meeting Announcement Exp.	23	196	95
4. In-District Advertising	605	609	600*
5. Membership Cards & Badges	26	465	- 0 -
	<u>\$1,450</u>	<u>\$1,704</u>	<u>\$2,042</u>
	<u>\$4,464</u>	<u>\$5,338</u>	<u>\$4,394</u>
<u>Less Non-Allocable Expenses</u>			
I. 2. House Recording Studio Fees Exempted in Sect. 434d.	\$1,226	\$ 862	\$1,069
II. 3. Meeting Announcement Exp.	23	196	95
4. In-District Advertising	605	609	600*
5. Membership Cards and Badges (Note 3,4,5 are construed to be solely in-district and constituent expenses)	26	465	- 0 -
<hr/>			
TOTAL ALLOCABLE EXPENSES	\$2,584	\$3,206	\$2,630

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Upon request, Mr. Litton's staff obtained the television viewing from each of the stations carrying the Dialogue. We were able to perform the following breakdown separating viewers by the relative percentages into 1) in-district viewers, 2) out-of-district viewers, and 3) out-of-state viewers. Note that geographically, "Dialogue with Litton" may be seen in over two-thirds of Missouri.

VIEWER FIGURES FOR
TV STATIONS CARRYING DIALOGUE WITH LITTON

<u>TV Stations</u>	<u>Total Viewers</u>	<u>Missouri 6th C.D.</u>	<u>Missouri Non 6th C.D.</u>	<u>Out-of State</u>
KBMA Kansas City	60,000	10,500	29,100	20,400
KCMU Columbia	40,000	,200	38,800	
KHQA Hannible-Quincy	18,000		6,300	11,700
KQTV St. Joseph	68,000	68,000		
KTVO Kirkville-Ottumwa	47,000	7,050	7,050	32,900
TV Springfield	22,000		18,700	3,300
TV Joplin	4,000		1,620	2,380
Cable St. Joseph	15,000	15,000		
Cable Maryville	4,000	4,000		
Cable Platte County	2,800	2,800		
	280,800	108,550	101,570	70,680
	(100%)	(39%)	(36%)	(25%)

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NON-CD6 MISSOURI LISTENERS OF VOTING AGE

Total Listeners

KHGM	Brookfield	10,000 (Est. from Carrolton) 500w
KMRN	Cameron	100,000
KAOL	Carrolton	10,000
KGHI	Chillicothe	9,000
KFGR	Columbia	25,000
KCFV	Ferguson	500 (10w education station (Est.))
KHMO	Hannibal	0 (Do not broadcast - E.T.)
KIEE	Harrisonville	25,000
WDAF-KYYS	Kansas City	0 (Do not broadcast)
KCUR-FM	Kansas City	0 (Do not broadcast)
KLEX-KBEK	Lexington	8,000
KMMO-KMFL	Marshall	16,500
KXCU	Maryville	2,500
KWIX	Moberly	16,500 (Est. from Marshall) 1000w.
KGSP	Parkville	2,000
KKJO	St. Joseph	3,000
KMA	Shenendoah, Iowa	0 (Only news coverage)
KSMW	Warrensburg	0 (Only news coverage)

TOTAL RADIO LISTENERS = 228,000

EXHIBIT 4 ● A New Experiment in Openness in Government – "Dialogue With Litton"



Senator Henry "Scoop" Jackson of Washington, in his appearance on "Dialogue With Litton", told the more than 1,200 persons in attendance, "I'd like to see a program like this in every Congressional District in the country." Senator Jackson added, "I applaud Jerry Litton for being responsible for it, responsible for reinvigorating the Democratic process."

A Return to the old time Town Meeting

Each month Congressman Litton invites a well-known Washington personality to come to his district and join him in a 90-minute, theatre-in-the-round, question and answer session with the people of his district. DIALOGUE WITH LITTON, which is now its third year, has become so popular that attendance at the monthly meetings now averages 1,000 and attracts people from throughout the Mid-West. When attendance exceeds the ballroom capacity of 1500 the program is piped into other ballrooms via closed circuit TV. A 30-minute edited portion of the program is carried each month on 12 TV stations in the Mid-West. The Kansas City Star, in a feature article on the program, quoted broadcasters as saying the show, which many stations carry in prime time, draws more viewers than popular network shows. The Star also quoted broadcasters as saying, "On most of the ABC affiliated TV stations DIALOGUE WITH LITTON has even gotten higher ratings than MONDAY NIGHT FOOTBALL." The program is also carried on several radio stations throughout the Mid-West.



Each month Congressman Jerry Litton Takes Government to the People



There are no "planted" or "rehearsed" questions. Here farmers, businessmen and housewives have a chance each month to ask the Congressman why he voted as he did and to personally question some of the most prominent

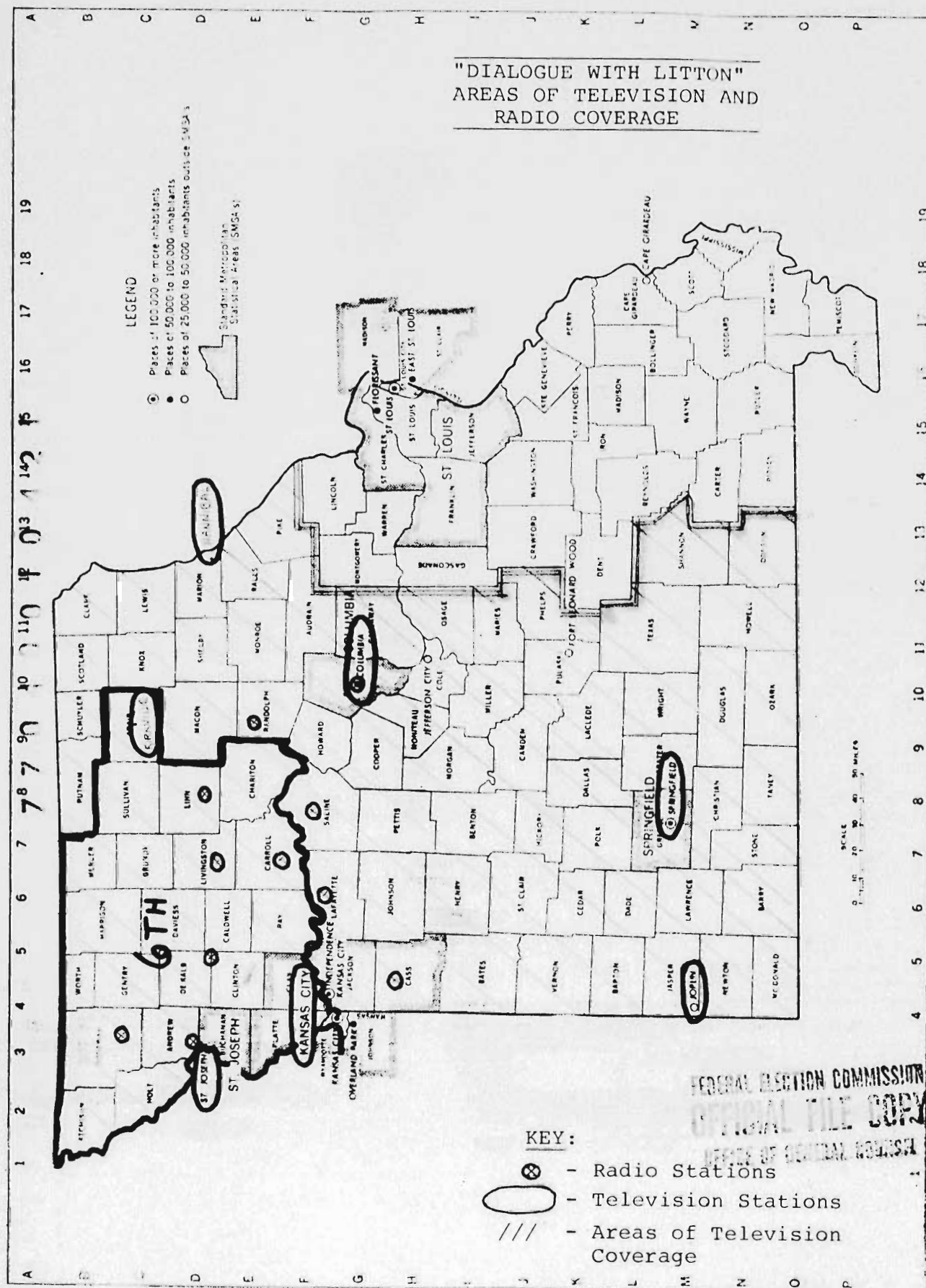


people in American politics. The National Observer in a feature article praising the show said, "the talk (on Dialogue With Litton) is sometimes richer in nuts-and-bolts information on how legislation gets passed or shelved than the writing of a half-dozen political columnists." Congressman Litton says that he feels he is better able to vote his conscience because through the program he is able to go into the living room of his voters each month and explain his votes. With attendance at these monthly meetings open to the public this works two ways since voters know they can come to these meetings and publicly express their views as well.

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Counties, Standard Metropolitan Statistical Areas, and Selected Places



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Speaker of the House Carl Albert is shown above with Congressman Litton following his appearance on "Dialogue With Litton" in St. Joseph when the meeting was moved around the district. To accommodate the growing attendance the monthly meeting had to be permanently moved to the Plaza Inn International near the Kansas City International Airport. Speaker Albert said he thought Litton's program and the televised parts of it were the best that he had seen on the Congress by a member.



Secretary of Agriculture Earl Butz's appearance on "Dialogue With Litton" attracted a record crowd of over 1,600 persons. The secretary told Litton, a Democrat, that this showed that if he wanted a good crowd for his meetings, he should get Republicans. The monthly meetings feature well known Democratic as well as Republican guests and attract a good cross section of people who are Democrats, Republicans and Independents.



Congressman Litton said that following Congresswoman Shirley Chisholm's appearance on his program, above, he saw constituents from his predominately white district shake her hand and with tears in their eyes admit they had misjudged her in the past. Litton said, "that one moment made all of my efforts behind *Dialogue With Litton* worth while."



After his appearance on the program, House Majority Leader Tip O'Neill, of Massachusetts, said, "Congressman Litton's monthly meetings in his district with government leaders is one of the best ideas I have heard of in the area of informing the people what is happening in their government."



Former vice president Hubert Humphrey, during his 6th District appearance said, "Jerry Litton has brought government to the people of his district. He has brought Washington home."



President Gerald Ford shown visiting with Congressman Litton, on the right, in the Oval Room of the White House said, "if it were not for the recent turn of events, I would seriously consider starting one of my own (monthly meeting like Litton's) in the Fifth District of Michigan." On the left is Republican Senator Lowell Weicker of Connecticut, who is scheduled to be a future guest on *Dialogue With Litton*.

All the leading Democratic presidential hopefuls have appeared on Litton's program. Residents of Litton's district have an opportunity afforded few people in the entire United States ... to personally meet and question the leading candidates for president of the United States before deciding who they want to support.

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