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AFFIDAVIT OF
WILLIAM E. BROCK, III

DISTRICT OF COLUMBIA) ss.

I, WILLIAM E. BROCK, III, being first duly sworn, do hereby depose and say:

1. I am Chairman of the Republican National Committee, ("RNC") the governing body of the Republican Party. I have served in that capacity since 1977.

2. I first became involved in politics in 1956 when I worked as a volunteer in support of the reelection of President Eisenhower. I have been an active participant in Republican politics at the national, state and local levels since that time. I was elected to the United States House of Representatives from the 3rd District of Tennessee in 1962 and served four terms. In 1970, I was elected to the United States Senate, where I served until 1977.

3. During the 1974 Congressional Election Campaign, I served as Chairman of the Republican Senatorial Campaign Committee which supports the reelection efforts of Republicans, and recruits and supports the election efforts of Republican Senatorial challengers.

4. In my capacity as Chairman of the RNC, I have supported the election efforts of Republican candidates to federal, state and local offices and have sought to strengthen the Republican Party at all levels.

5. As a result of my experience set forth above, I am fully familiar with the workings of the political process at all levels and with the requirements and techniques of organizing and conducting modern political campaigns. -

6. I am also generally familiar with the provisions of the Federal Election Campaign Laws (the Presidential Election Campaign Fund Act, 26 U.S.C. §9001, et seq., and the Federal Election Campaign Act, 2 U.S.C. §431, et seq.) both as result of serving in the Senate when the two acts were originally passed and as a result of my experience serving as Chairman of the RNC.

7. Based upon my previous political experience and my experience with the requirements of the Federal Election Campaign Laws, it is my understanding that the Republican Party candidates for President and Vice-President, in order to qualify for federal funds in the general election campaign are required, among other things, to certify that: (i) they will not accept private contributions to defray campaign expenses and (ii) they and their authorized campaign organizations will not incur expenses in excess of the amount of federal funds to which they are entitled.

8. It is my further understanding that private individuals and private groups retain the First Amendment right to expend their private funds in support of or in opposition to any presidential candidate, notwithstanding the spending and contribution restrictions placed upon the candidates and their authorized campaign committees. So long as such individuals and groups are genuinely independent and do not act in cooperation with, or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate, it is my understanding that such independent expenditures do not disqualify a candidate from receiving federal funds.

9. Recognizing that various independent and unauthorized committees planned to function during the 1980 campaign, I directed that RNC staff be advised, by means of a memorandum dated June 19, 1980, a copy of which is attached hereto as Exhibit A, of the requirements of the relevant campaign laws, and that the RNC staff also be admonished to avoid any involvement with individuals or groups intending to engage in independent expenditures in connection with the forthcoming presidential campaign.

10. A copy of the June 19 memorandum was thereafter sent to each member of the RNC and to the executive directors of each state Republican Party organization in all 50 states.

11. On July 18, 1980, at the first meeting of the newly elected RNC in Detroit, Michigan, following the 1980 Republican National Convention, members of the committee were advised by me as follows:

The RNC is one of the authorized committees for our candidates for president and vice-president. Your actions are important to help insure that our candidates comply with Federal Election Laws. Those laws require that there be no connection between authorized campaign committees and groups who may wish to make independent expenditures on behalf of our candidates or in opposition to Democratic candidates.

It is necessary, then, that those of you who hold a position with an independent expenditure group should terminate your association with any such group.

Those of you who are not members of independent expenditure committees are now advised that your membership on the Republican National Committee will preclude your association with such groups.

If you have any questions about your association with independent expenditure groups, see Ben Cotten or Don Ivers [members of the RNC legal staff].

12. Since the drafting of the Republican Party Platform and the statement of official Republican Party positions have now been completed, the RNC advisory counsels and committees I appointed to assist in those efforts are now being disbanded. A copy of the letter which is being sent to each member of each advisory counsel or committee is attached hereto as Exhibit B.

13. To the best of my knowledge, information and belief, the RNC has not encouraged, controlled, assisted or coordinated with any unauthorized committee who may have made or who may be making any independent exemption on behalf of the candidate of the Republican Party for President and Vice-President of the United States. Nor, as the instructions set forth above clearly demonstrate, will the RNC do so during the general election campaign.

14. Based upon my extensive political experience with national campaigns, the likelihood of independent groups actually organizing themselves effectively in order to raise anything like the amounts suggested (tens of millions of dollars) in the recent newspaper articles about them is extremely remote. A national campaign for the Presidency, would be most unwise -- indeed foolhardy and irresponsible -- to base its campaign plans on the speculative possibility: (i) that substantial amounts of independent funds could in fact be raised by independent expenditure groups or (ii) that any such funds raised would be expended by the independent groups in a manner which would actually benefit its campaign. The Reagan-Bush campaign staff has prepared and is now waiting to implement a campaign strategy which solely and critically depends upon receipt of the \$29.4 million dollars promised under the Federal Campaign Election Laws for which the Reagan-Bush Campaign has recently applied.

15. In addition, as I have stated publicly on earlier occasions (see page A-3, Washington Post, July 1, 1980), I personally am highly concerned about the proposed independent and unauthorized campaign expenditure efforts to the extent they are at all successful. First, the efforts of such independent efforts by definition cannot be controlled by the candidate they are supposed to benefit nor can they be controlled by his organization. Thus, the themes or arguments advanced by such groups are quite likely, if not almost certain, to be counterproductive to the authorized campaign effort. For example, the views or positions expressed by such groups may be wrongfully attributed to the candidate himself. Large groups of voters may thereby be alienated because of efforts over which the candidate himself has no control. Thus, these independent expenditure efforts are likely to produce a fragmented, disorganized and confused election effort which will succeed only in draining vitally-needed funds from the critical tasks of grass-roots party-building.

16. Based upon my experience as a national party leader, were the Federal Election Commission or any court to delay or deny the Reagan-Bush campaign access to its lawful public funds, any such a delay or denial would produce a crippling of the Reagan-Bush campaign effort from which it could not hope to recover. A non-incumbent challenger for the presidency has no staff or logistical support beyond that which he can pay for with his public campaign funds. Were public funding to the Reagan-Bush campaign to be cut off, neither Governor Reagan nor Ambassador Bush could travel, pay any campaign staff, or begin to establish campaign organizations in any of the 50 states. Such vital services as telephone, office rental equipment, and office space would be impossible to obtain. Both the preparation

of vital campaign media materials, and the hiring of necessary campaign field personnel would be stopped in their tracks. At this late stage, to mount an effective effort to raise private funds to run a national presidential campaign, given the \$1,000 limit on contributions by any single individual would be virtually impossible. In addition, were the candidate to expend any such funds which could be privately raised, he would be legally ineligible for public funds, if and when they ever became available.

17. If the Reagan-Bush campaign is delayed or denied its lawful access to public funding, the President and Vice-President would be the sole candidates to have continuous access to government funds and staff support by virtue of their respective offices, as well as access to various types of public campaign funds. They and their campaign alone would continue to have access to publicly-provided primary campaign funds prior to the Democratic National Convention and publicly-provided general election campaign funds shortly thereafter.

18. In brief, the Carter-Mondale and Democratic National Committees seem intent on using the legal process to insure that the President has no effective opposition in the general election. They seek to deprive his major party opponent of any ability to speak to the American people. They seek to eliminate any possibility of a free and fair election in 1980. In this way they hope that somehow they will win reelection for President Carter. One can understand why such a cynical maneuver is attempted, but one can hardly believe that result sought is either just or in the public interest.

19. The foregoing statements are true to the best of my knowledge, information, and belief.

William E. Brock, III
William E. Brock, III

Subscribed and sworn to before me this 23rd day of July, 1980.

Philip A. Guarino
Notary Public

My Commission Expires JUNE 15, 1982



Republican National Committee

Donald L. Ivers
House Counsel

E. Mark Braden
Deputy House Counsel

MEMORANDUM

- TO: RNC Staff
RE: Independent Expenditure Committees
DATE: June 19, 1980

Independent expenditure committees of all sizes and descriptions are being established to participate in the General Election campaign. "Independent expenditure" is defined under the Federal Election Campaign Act as:

"An expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee, or agent of such candidate." (emphasis supplied)

Federal Election Commission regulations further discuss independent expenditures, clarifying the meaning of the phrase, "made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" by stating that such phrase means:

"Any arrangement, coordination or direction by the candidate or his or her agent prior to the publication, distribution, display or broadcast of the communication. An expenditure will be presumed to be so made when it is:

(a) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents...;

(b) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent....

The Federal Election Commission has placed a very narrow construction on the language set forth above.

THE REPUBLICAN NATIONAL COMMITTEE IS, BY LAW, AN AUTHORIZED COMMITTEE AND AGENT OF THE PRESIDENTIAL AND VICE PRESIDENTIAL CAMPAIGN. THEREFORE, NO MEMBER OF THE RNC STAFF SHOULD MEET WITH, PROVIDE INFORMATION TO OR COORDINATE IN ANY MANNER WITH ANY MEMBER OF AN INDEPENDENT EXPENDITURE COMMITTEE OR ANY INDIVIDUAL WHO IS PLANNING FOR, OR IS MAKING, INDEPENDENT EXPENDITURES.

EXHIBIT A

Page Two
Independent Expenditure Memo
June 19, 1980

Should you be contacted by an independent expenditure committee or an individual making independent expenditures seeking assistance, you should immediately inform that individual that due to the restrictions placed upon us by federal law, you must refuse to have any further discussion with them with respect to independent expenditures. Any discussions or coordination with such individuals may be interpreted by the Federal Election Commission as sufficient to remove their activities from the independent expenditure category and result in their activities being allocable to the expenditure limitations of the campaign committee or of the Republican National Committee and/or, place them in a position of having violated the Federal Election Campaign Act.

If you have any questions with respect to this information, please do not hesitate to contact this office at 202/484-6638.



Republican
National
Committee

Bill Brock
Chairman

July 24, 1980

J

Dear J:

As we move from the Convention into the General Election campaign, I want to express my personal appreciation to you for your outstanding dedication of time and talent to the important policy discussions and the many fine papers we have published from the Advisory Councils and Committees.

The work you have done has, in most cases, been incorporated into the platform. It has provided extremely helpful information for the development of other party positions for the campaign. Most of all, it has contributed to a continued Republican presence in a very creative and important fashion for these past few years, giving us the opportunity to begin this campaign from a much stronger position.

Although, with the work completed, these Advisory Councils and Committees have run their course, I trust that you will agree that, given the excellent work performed, the concept should be reactivated next year. In the meantime, we all have jobs to do in the campaigns to elect Republican candidates at all levels and I know you will give it your best.

Again, thank you for your tremendous contribution. Hope to see you soon.

Very truly yours,

BILL BROCK

BB:dsb

EXHIBIT B

Dwight D. Eisenhower Republican Center: 310 First Street Southeast, Washington, D.C. 20003. (202) 484-6500.

Brock Calls Independent Efforts for Reagan 'Divisive'

By David S. Broder
Washington Post Staff Writer

Republican National Chairman Bill Brock yesterday said recent polling data point to the possibility of a banner GOP year in 1980. But he warned that unauthorized, independent efforts for Ronald Reagan could "fragment the campaign" and cost Republicans their opportunity.

Brock criticized the "independent expenditures" plans of various Reagan supporters, as William J. Casey, director of the official campaign organization for the prospective GOP presidential nominee, announced several aides to former president Gerald R. Ford will take major posts in the Reagan campaign.

In a breakfast meeting with reporters, Brock tipped his hand on a new GOP national poll, which he said shows Republicans running almost even with Democrats in voter preference for the 1980 congressional elections.

According to Brock, the survey by Robert Teeter of Market Opinion Research Corp. in Detroit gave the Democrats only a 32-48 percent lead over the GOP, which he said was the best showing for the Republicans since 1966.

"On every major issue except unemployment, where we broke even, it's an advantage to be a Republican," Brock said.

Others in the GOP hierarchy cau-

tioned that these were partial results and subject to interpretation. But the party chairman coupled them with public polls showing Reagan 10 points ahead of President Carter and said they pointed to the possibility of a great year for the Republicans.

But Brock said he was "extremely concerned" about announced plans by several groups of Republicans, operating independently of the Reagan campaign, to raise and spend millions of dollars in behalf of the former California governor's candidacy. Such expenditures have been allowed by law as long as they are not done in cooperation with the official campaign, but Common Cause, a public advocacy

lobby, is expected to announce a legal challenge to them today.

Brock said he opposed the half dozen separate pro-Reagan committees on political grounds, asserting they could lead to a "fragmented, confused, disorganized" campaign.

"If they emphasize different issues than Reagan wants to emphasize, if they run ads that are factually inaccurate, they force us to disavow them—and that's divisive," Brock said.

The chairman said he doubted the independent committees, some headed by well-known Republican officeholders and veterans of the Nixon and Ford administrations, could raise the millions of dollars they have talked about.

But he said that if they succeeded, there would be "a draining of funds for the grass-roots party building" and the support of GOP candidates for offices lower on the ballot.

He accused the promoters of these groups of acting as if "we're going to elect one person and change the whole goddam world."

In urging Republicans interested in Reagan to contribute to the GOP's official campaign committees, Brock said he thought Reagan's high command had the same view of the independent efforts he expressed.

But Casey, Reagan's campaign director, took a noncommittal stand at his press conference later in the day. "I won't discourage anyone from ex-

ercising their constitutional rights," Casey said. "How helpful it is remains to be seen."

Casey did condemn efforts by some conservative groups to kill Sen. Howard H. Baker Jr.'s (Tenn.) vice presidential prospects, calling such activity damaging to Republican unity and the Reagan campaign.

Casey formally announced that two former officials of the Nixon and Ford administrations, Washington lobbyist William Timmons and lawyer James T. Lynn, would join the Reagan campaign. Timmons will be deputy director for campaign operations and Lynn the general counsel.

Staff writer Bill Peterson contributed to this article.

EXHIBIT C

AFFIDAVIT OF

PAUL LAXALT

DISTRICT OF COLUMBIA) ss.

I, PAUL LAXALT, being first duly sworn, do hereby depose and say:

1. Since 1975 I have served as United States Senator from the state of Nevada. Prior to my election and subsequently I have participated actively in the political process at the national, state, and local levels. Before becoming a United States Senator, I was for a number of years a practicing attorney in Carson City, Nevada; I have also served as Governor and Lieutenant Governor of Nevada.

2. During the 1976 campaign for the Republican nomination for the presidency, I served as Chairman of the Reagan for President Committee.

3. In the 1980 primary campaign just recently concluded, I again served as Chairman of the Reagan for President Committee. I am now Chairman of the Reagan for President General Election Committee. In these respective positions I have had the occasion to become generally familiar with the requirements of the Federal Election Campaign Laws as they apply to campaign contributions, and other related matters.

4. To the best of my knowledge and belief, the Reagan for President campaign has not encouraged, controlled, assisted, or cooperated with any unauthorized campaign committee which has made, is making or is planning to make any independent expenditures on behalf of the Republican candidates for President and Vice President of the United States. Nor will the Reagan campaign do so in the future.

5. Indeed, the often-stated policy of the Reagan campaign has been and will continue to be not to stimulate or encourage the formation of independent expenditure groups and not to cooperate with, or give prior consent to, or consult with, or make requests or suggestions to any individuals or groups making independent expenditures in support of the Reagan candidacy. This policy was reiterated in meetings held with all key Reagan campaign staff personnel immediately following the conclusion of the Republican National Convention. I am further informed that prior to the convention this same policy against cooperation with independent expenditure efforts was repeatedly stated by those responsible for compliance with the Federal Election Campaign Laws to headquarters, regional and field personnel during the Reagan primary campaign.

6. Given my experience in the Reagan campaigns of 1976 and 1980, I can state unequivocally that the advantages held by an incumbent president over a primary or general election challenger are so immense as to be almost insuperable. A president has free and instant access to the national media from his White House doorstep. By contrast, a challenger must expend scarce campaign funds to travel and engage in various campaign activities in order to attract any significant media attention.

7. To deprive the Reagan-Bush campaign of its only feasible source of campaign funds based upon the chimerical expectations of expenditures by groups independent of and unauthorized by our campaign would torpedo the Reagan-Bush effort and virtually guarantee the absence of a freely and fairly-contested presidential election in the fall.

8. Any delay or denial of public funds to the Reagan-Bush general election campaign at this stage would cripple our campaign effort and irreparably injure our ability to present our case to the American people. At this point, given the amount of time remaining between now and the general election as well as the \$1,000 per person contribution limit, there is no way to raise from private sources adequate funding for the general election campaign.

9. This fundamental point was made most effectively in testimony before the Congress in 1976 by my colleague Robert Strauss, the current chairman of the Carter-Mondale reelection committee:

My responsibilities as Chairman of the Democratic National Committee, make me focus on the incalculable problems faced by presidential candidates as long as the status of the FEC remains in question. Most of our candidates cannot sustain even a lapse of a few days in the payment of federal matching funds. Many of our campaigns are operating on a day-to-day cash flow. A time lapse in the certification and distribution of federal funds could be so disruptive to the political process that it could have a dangerous impact on the outcome of both the Democratic and Republican nominating systems. This must be avoided. [Emphasis supplied].

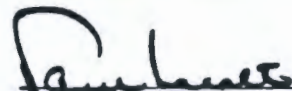
This statement is just as valid today in the general election context as it was during the primary campaigns of 1976.

10. Based upon my previous political experience, were a court to grant any form of temporary injunctive relief in connection with the Reagan-Bush request for certification of eligibility for federal campaign funds, it could have drastic political consequences beyond those caused by the interruption in public funding. Such an action would inevitably -- even though mistakenly -- be misperceived by some members of the

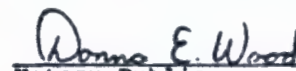
public as a judicial determination that the Reagan campaign had done something unlawful or improper, even though nothing could be further from the truth. Given the sensitivity of the American public to charges of misconduct by elected officials, the corrosive impression created by the initial adverse publicity attending such a judicial action could never be completely removed even after the Reagan campaign was completely vindicated, as it assuredly would be.

11. To deny the Reagan-Bush campaign the federal funds to which it is lawfully entitled would leave President Carter in full possession of his pre- and post- convention, campaign war chests of public funds in addition to the vast professional staff and other government resources available to him as President. In addition, he will be principally featured at the publicly-funded events of the Democratic National Convention in further promotion of his candidacy. In contrast, Ronald Reagan and George Bush would be grounded with no campaign funds whatsoever. They would be effectively denied their basic First Amendment rights to communicate with the American people. The Congress never contemplated such an unjust result when it passed the laws which now govern federal election campaigns.

12. The foregoing statements are true and correct to the best of my knowledge, information and belief.


PAUL LAXALT

Subscribed and sworn to before me this 23rd day of
July 1980.


Notary Public

My Commission Expires 1-1-82