

State of California



Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 • • • 1100 K STREET BUILDING, SACRAMENTO, 95814

Technical Assistance Administration • • • Executive Legal • • • Enforcement • • • Conflict of Interest
(916) 322 5650 322 5901 322 6441 322 6444

January 9, 1978

James L. Smith
Department Adjutant
The American Legion
117 War Memorial Veterans Building
San Francisco, CA 94102

Dear Mr. Smith:

Thank you for your letter of December 21, 1977. As you may be aware, in its decision in the case of Buckley v. Valeo, 424 U.S. 1 (1976), the United States Supreme Court required that minor parties and candidates be granted exemptions from campaign contributor disclosure if a proper showing of threats and harassment to contributors were made. The Commission had filed a friend of the court brief in the Buckley case urging that no exemptions be permitted.

Once the Buckley case was decided, the Commission believed that it was necessary, as a matter of constitutional law as set out in Buckley, to provide a means for determining whether certain minor parties were entitled to exemptions. This exemption procedure was created and as your organization's resolution notes, several persons were granted exemptions. However, during 1977 the Legislature passed and the Governor signed a bill which prohibits the Commission from granting exemptions from the campaign disclosure requirements of the Political Reform Act. That bill became effective January 1, 1978, and is contained in Section 84400 of the Government Code. The Commission intends to abide by the legislative will expressed in Section 84400 and will not accept applications for exemptions nor grant any exemptions.

Despite the fact that the Commission no longer may grant exemptions, minor parties and candidates still will be

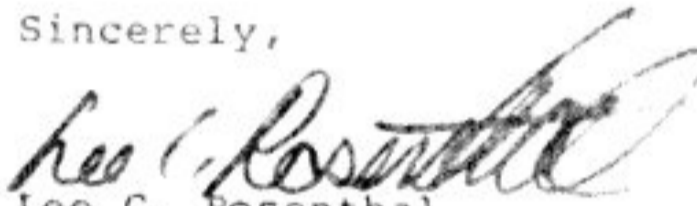
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K. J. [Signature]
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entitled to exemptions if they meet the criteria set out in Buckley and will seek such exemptions from the courts.

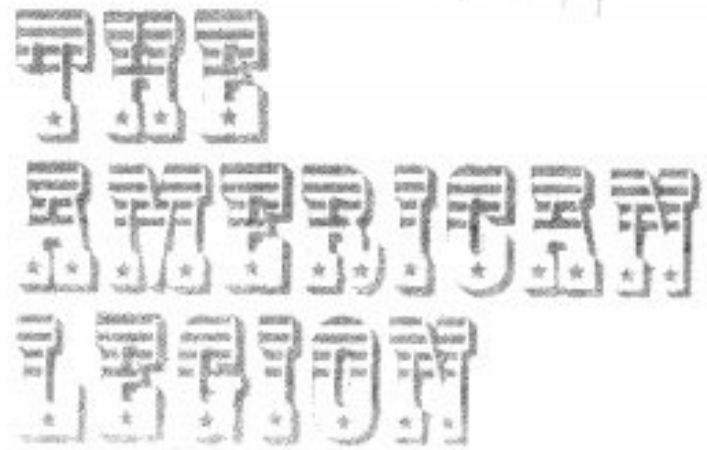
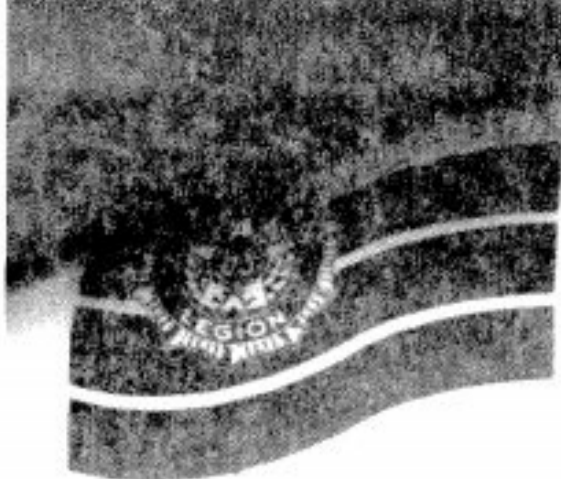
If I can be of any further assistance in this matter, please do not hesitate to contact me.

Sincerely,



Lee C. Rosenthal
Acting Chief
Legal Division

LCR:jo



DEPARTMENT OF CALIFORNIA
1100 K STREET, SACRAMENTO, CALIF. 95814
TELEPHONE (916) 441-2300

December 21, 1977

Mr. Daniel H. Lowenstein, Chairman
Fair Political Practices Commission
1100 K Street
Sacramento, CA 95814

Dear Chairman Lowenstein:

Attached is a copy of Department of California,
The American Legion Resolution 77-501, which was
approved unanimously by the delegates to the
59th Annual American Legion State Convention held
in Palm Springs in June of 1977.

Sincerely,

James L. Smith
Department Adjutant

JLS:f
Att.

- JOHN B. COMAN
- JAMES L. SMITH
- BERNARD L. WEDDEL
- LLOYD HIGGINSON

DEPARTMENT OFFICERS

- HAROLD E. HEINLY
- FRANCIS L. MARKEY
- JOHN C. HALLYBURTON
- VIRGEL RYAN
- ALVIN M. KRANK
- JOE BUTTS
- WILLIAM S. SPENCE
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- REX BALDWIN
- JAMES F. CLAPPERTON
- JOHN W. HOWARD
- DOROTHY M. RAYMOND



THE AMERICAN LEGION
DEPARTMENT OF CALIFORNIA
117 WAR MEMORIAL VETERANS BLDG.
SAN FRANCISCO 94102

Res. 77-501 Oppose Permanent Exemption to Communists and
 Socialists Under the State Fair Political
 Practice Commission

WHEREAS, California's campaign contribution law requires that the identity of contributors of \$50.00 or more be disclosed, and

WHEREAS, the State Fair Political Practice Commission has seen fit to grant temporary exemptions to two Socialists and one Communist party candidates, and

WHEREAS, the disclosure law is a key element of a major political reform package approved by the voters in 1974, now, therefore, be it

RESOLVED by The American Legion, Department in regular convention assembled at Palm Springs, California, June 23-26, 1977, that The American Legion is deeply concerned, that Communist and Socialists are to be granted exemptions which are not available to traditional political parties, and, be it further

RESOLVED that this concern be made known to the Fair Political Practice Commission, and that we strongly urge that no permanent exemption be granted to any one, and that it be further

RESOLVED that these facts be made known to the Fair Political Practice Commission, by the Department, in the most effective way possible.

THE ABOVE RESOLUTION WAS ADOPTED BY THE AMERICAN LEGION, DEPARTMENT OF CALIFORNIA, IN REGULAR CONVENTION ASSEMBLED IN PALM SPRINGS, CALIFORNIA, JUNE 23-26, 1977.