

Nov. 26, 1976

Re: AOR 1976-81

Ms. Mary Meehan
Mr. John Tabori
McCarthy '76
1440 N Street, N.W.
Washington, D. C. 20005

Dear Ms. Meehan and Mr. Tabori:

This refers to your letter dated September 3, 1976, requesting an advisory opinion on behalf of Mr. Eugene J. McCarthy. Your request presented several questions involving Mr. McCarthy's eligibility for public funding under Title 26 of the United States Code and the status of the Committee for a Constitutional Presidency-McCarthy '76 under the Federal Election Campaign Act of 1971, as amended.

The issues raised in the request are now moot since Mr. McCarthy did not receive five percent or more of the popular vote received by all presidential candidates in the recent election. Furthermore, the issue of whether the Committee may be treated as a national committee of a political party does not require a response at this time since there is no indication that it anticipates engaging in activities which are traditionally conducted by political party organizations. See in this connection Advisory Opinion 1976-95 recently issued by the Commission to the Liberal Party of New York; also see Advisory Opinion 1975-129 in which the Commission concluded on the basis of specifically described activities that the National Committee of the Libertarian Party was the national committee of a political party (copies enclosed).

Accordingly, we propose to take no further action on your request. This letter has been brought to the attention of the Commission which has not objected to its release.

Sincerely yours,

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Enclosures

N. Bradley Litchfield
Assistant General Counsel

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