




FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

MEMORANDUM

TO THE COMMISSION  
STAFF DIRECTOR  
GENERAL COUNSEL  
FEC PRESS OFFICE  
FEC PUBLIC RECORDS

From:   
Mary W Dove  
Acting Secretary of the Commission

DATE: April 26, 2000

SUBJECT: COMMENT PROPOSED AO 2000-05

Transmitted herewith is a timely submitted comment by Markham C. Erickson on behalf of The Oneida Nation of New York.

Proposed Advisory Opinion 2000-05 is on the agenda for Thursday, April 27, 2000.

Attachment:

2 pages

# MCGUINNESS & HOLCH

## LAW OFFICES

Niels C. Holch

Kevin S. McGuiness

April 26, 2000

Ms. Mary W. Dove  
Acting Secretary of the Commission  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: Comments on General Counsel's Draft Response to Advisory Opinion  
Request 2000-05

Dear Ms. Dove:

This will serve as my comments to the General Counsel's draft response ("draft") to the Advisory Opinion Request (2000-05) I submitted on March 30, 2000, on behalf of the Oneida Indian Nation of New York ("the Nation"). This request asked the Federal Election Commission ("Commission") to clarify in an advisory opinion the application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to contributions by the Oneida Indian Nation of New York that would total more than \$25,000 annually.

We appreciate the Commission's clarification of the application of 2 U.S.C. § 441a(a)(3), which within a calendar year, places a \$25,000 contribution limitation on "individual[s]." Because the Nation is not an "individual," it is not subject to the \$25,000 limit on its annual total of contributions.

We felt that we should respond, however, to the concerns raised beginning on page 2, line 16, which relate to contributions from corporate sources. To put it simply, the Nation's political contributions are made from its general treasury funds. The Nation's contributions are not made, either directly or indirectly, from any incorporated entity.

While the Nation does own several incorporated businesses, it has sufficient funds in its general treasury to make all of its political contributions, subject, of course, to the limitations and prohibitions of the Act.

Consequently, I would propose amending the draft on page 2, line 19, by striking "many, if not all," and inserting "some".

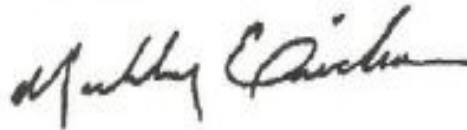
Ms. Mary W. Dove

04/26/00

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We appreciate the opportunity to comment on the draft advisory opinion. Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Markham C. Erickson". The signature is written in a cursive style with a long horizontal stroke at the end.

Markham C. Erickson, Esq.

cc: Office of General Counsel