

Federal Election Commission Asked to Rule on Morton Pay

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The Ford administration, acting the same day the Supreme Court ruled that the Federal Election Commission is improperly constituted, asked the FEC yesterday to decide whether portions of the salaries of aides to public officials should be considered campaign expenditures.

In a formal request for an advisory opinion from the FEC, White House Counsel Philip W. Buchen pledged that President Ford will abide by such an opinion in the case of Commerce Secretary Rogers C.B. Morton, who will join the White House staff next week as a \$44,600-a-year adviser to the President on economic and political issues.

Buchen said the President Ford Committee will reimburse the federal treasury for any portion of Morton's salary that the FEC finds should be considered a political expenditure.

While Buchen asked for a speedy ruling, a spokesman for the FEC said it is "highly unlikely" the FEC will act on any such issues for at least 30 days because of the Supreme Court ruling.

In a lengthy ruling yesterday, the court upheld

limits on political contributions but struck down the campaign spending ceilings set in the new federal election law. The court also held that the FEC itself is unconstitutionally made up because, while it performs an executive function, a majority of its members are congressional appointees.

The court delayed formal implementation of its ruling on the FEC makeup for 30 days to give Congress a chance to correct it.

Buchen's letter was prompted by the controversy over Morton's appointment to the White House staff and the question of how much of his time he would spend on political activities in connection with Mr. Ford's campaign for the Republican presidential nomination. Earlier, the Democratic National Committee filed a complaint with the FEC on the Morton appointment.

In his letter to FEC Chairman Thomas B. Curtis, Buchen broadened the potential impact of future commission rulings on the subject by asking for an opinion not just on Morton's case but also one covering "any portion of the salaries of assistants to public officials" in general.

Last week, Buchen met with Curtis and suggested a possible compromise in the Morton case — that Morton work 40 hours a week on official White House matters and spend any additional time as a "volunteer" on political activities. Curtis happily accepted the idea.

The bulk of Buchen's letter dealt with what he said would be Morton's official White House duties, including advising the President on domestic issues and serving on the Economic Policy Board, the Energy Resources Council and the Domestic Council.

"Apart from the aforementioned official duties," Buchen wrote, "Secretary Morton plans to spend time of his own participating in campaign activities on behalf of the President. In particular, Secretary Morton will participate in PFC (President Ford Committee) political strategy sessions, deliver political speeches, attend PFC fund-raisers and engage in other campaign activities."

Buchen did not specify how much time each week Morton would spend on "official White House duties" and how much on "campaign activities."