

FEDERAL ELECTION COMMISSION



Press Office
999 E Street, N.W., Washington, D.C. 20463
Phone: Local 202-219-4155 Toll Free 800-424-9530

FOR IMMEDIATE RELEASE:
NOVEMBER 3, 1993

CONTACT: FRED EILAND
SHARON SNYDER
SCOTT MOXLEY

FEC VOTES TO PETITION SUPREME COURT IN NRA CASE -Separation of Powers At Issue-

WASHINGTON -- By unanimous vote, the Federal Election Commission Tuesday decided to petition the Supreme Court for a writ of certiorari in FEC v. NRA Political Victory Fund. The FEC plans to seek expedited review in the case.

The FEC decision follows the October 22 U.S. Court of Appeals opinion that the presence of two officers of Congress, as non-voting Ex Officio members, at the Commission violated the constitution's separation of powers clause. The agency has 90 days from the D.C. Circuit's decision to file the petition.

The vote to seek Supreme Court review is consistent with the agency's tradition of defending the constitutionality of its statute, the Federal Election Campaign Act of 1971, as amended. Based on the FEC's petition, the Supreme Court will be asked to address the important separation of powers issue raised by the court of appeals. The Commission will also ask the court to address, if necessary, the effect the separation of powers issue has on past agency actions.

Last week the FEC took numerous critical steps to ensure that the agency's ability to administer and enforce the law would not be interrupted. Among those steps was a vote to abide by the appeals court's decision - pending review - by acting as a six-member body, comprised only of Commissioners who have been nominated by the President and confirmed by the Senate. The Ex Officio members, who were the Secretary of the Senate and the Clerk of the House of Representatives, are no longer treated as Commission members.

The court of appeals reversed a judgment by the district court which agreed with the FEC by finding that the NRA had violated federal election law by using \$415,000 in prohibited corporate funds in connection with a federal election. In its ruling, the court of appeals did not address the legality of NRA's action, because it held that the FEC's enforcement action had been taken by an unconstitutionally composed Commission.

#