



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: The Commission
Staff Director
Acting General Counsel
FEC Press Office
FEC Public Disclosure

FROM: Office of the Commission Secretary *sey*

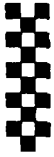
DATE: August 29, 2011

SUBJECT: Comment on Draft AO 2011-15
(Abdul Karim Hassan, Esq.)

Transmitted herewith is a timely submitted comment from Douglas P. Rood regarding the above-captioned matter.

Draft Advisory Opinion 2011-15 is on the agenda for September 1, 2011.

Attachment



FAX

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... 29 P 3:09

TO: Office of the Commission Secretary	FROM: Douglas P. Rood
COMPANY: Federal Election Commission	COMPANY:
FAX: 2022083333	FAX:
SUBJECT: Advisory Opinion 2011-15	DATE: Monday, August 29, 2011

August 30, 2011
513 Heritage Trail
Granbury, Texas 76048

Office of the Commission Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463
FEC Advisory Opinion 2011-15,

Thank you for soliciting public comments on this important matter. My preference based on the drafts submitted is for Draft A, solely due to the response given to question 2, included below.

2. As a naturalized American citizen, is Mr. Hassan ineligible to receive presidential matching funds under the Presidential Primary Matching Payment Account Act? Yes, as a naturalized American citizen, Mr. Hassan is not eligible to receive presidential matching funds under the Presidential Primary Matching Payment Account Act ("Matching Payment Act").

The United States Constitution provides that "[n]o Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President " U.S. Const, art. II, sec. 1, cl.

Further, I submit to the *Legal Analysis and Conclusion* given to Question 1 on whether Mr. Hassan qualifies as a 'candidate' or 'person' to meet the requirements of the Presidential Primary Matching Payment Account Act. Specifically, footnote 1, whereas the Commission defers the responsibility to advise an applicant of the Law by the reference to some suitable court precedence to justify the Commission's opinion.

"1 Although Mr. Hassan may not be eligible under Article II, Section 1 of the U.S. Constitution to assume the office of the presidency because he is not a natural born citizen, it is not for the Commission to decide on this basis that Mr. Hassan may not be a candidate for that office. As one federal court has stated regarding the issue of eligibility for the presidency:

Arguments concerning qualifications or lack thereof can be laid before the voting public before the election and, once the election is over, can be raised as objections as the electoral votes are counted in Congress. The members of the Senate and the House of

Representatives are well qualified to adjudicate any objections to ballots for allegedly unqualified candidates...

Judicial review - if any - should occur only after the electoral and congressional processes have run their course.

Robinson v. Bnwen, 567 F. Supp. 2d 1144,1147 (N.D. Cal, 2008) (citing Texas v. United

States, 523 U.S. 296, 300-02 (1998).

Thus, if it is inappropriate for a federal court to adjudicate in the first instance a

candidate's eligibility for office, it is similarly inappropriate for an administrative agency to determine in the first instance an individual's ability to even be considered a candidate for that office."

As a veteran, I find it incredibly troublesome for any American, or any body of people claiming to represent America and it's principles and founding Rule of Law i.e. The Constitution, to form opinions, that would encourage anyone to pursue their endeavors, thus bringing into question, the applicability, accuracy, fairness or worthiness of the Law, such that a court of law may have to ultimately decide the issue.

That sort of action is either naïve or irresponsible.

One need only consider the rightful action based on the understanding of the use of the terms 'CAN', 'SHOULD', 'WILL' or 'SHALL' in legal documents to formulate a different response than the one given.

Again, thank you for allowing the public to comment,

Douglas P. Rood