

# The Burger Court Opinion Writing Database

## *Bread Political Action Committee v. Federal Election Commission*

455 U.S. 577 (1982)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

February 16, 1982

Re: No. 80-1481 - Bread Political Action Comm. v. FEC

Dear Sandra:

I join.

Regards,

A handwritten signature in cursive script, appearing to read 'WB', is written below the typed word 'Regards,'.

Justice O'Connor

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

January 25, 1982

MEMORANDUM TO: Justice Marshall  
Justice Blackmun  
Justice Powell

RE: No. 80-1481 Bread Political Action Committee v.  
Federal Election Commission

We four were in dissent on the issue whether 2 U.S.C. 437(h) limits expedited review to those named in that section. I've been troubled about this question all along and presently think I may not dissent if the Court dismisses on that ground. Accordingly, I shall not suggest assignment of the dissent.



W.J.B. Jr.

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

February 17, 1982

RE: No. 80-1481 Bread Political Action Committee, et al.  
v. Federal Election Committee

Dear Sandra:

I agree.

Sincerely,



a.

Justice O'Connor

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

February 20, 1982

Re: 80-1481 - BREAD PAC v. FEC

Dear Sandra,

Please join me.

Sincerely yours,

*Byron*

Justice O'Connor

Copies to the Conference

cpm

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

March 1, 1982

Re: No. 80-1481 - Bread Political Action Committee v.  
Federal Election Committee

Dear Sandra:

Please join me.

Sincerely,

*T.M.*

T.M.

Justice O'Connor

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

March 1, 1982

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

Re: No 80-1481 - Bread Political Action Comm. v. FEC

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

February 17, 1982

80-1481 Bread Political Action Committee v. FEC

Dear Sandra:

Although I was not at rest on the standing issue at the time of our Conference, you have written a persuasive opinion and I may join you.

I will, however, await writing by the dissenters.

Sincerely,

*Lewis*

Justice O'Connor

lfp/ss

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

March 4, 1982

80-1481 Bread v. Federal Election Committee

Dear Sandra:

Please join me.

Sincerely,



Justice O'Connor

lfp/ss

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

February 17, 1982

Re: No. 80-1481 Bread Political Action Committee v. FEC

Dear Sandra:

Please join me in your opinion for the Court.

Sincerely,



Justice O'Connor

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

February 16, 1982

Re: 80-1481 - Bread Political Action Committee  
v. Federal Election Committee

Dear Sandra:

Please join me.

Respectfully,



Justice O'Connor

Copies to the Conference

PP. 9

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor  
FEB 12 1982

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 80-1481

BREAD POLITICAL ACTION COMMITTEE, ET AL.,  
APPELLANTS, v. FEDERAL ELECTION COMMITTEE,  
ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

[February —, 1982]

JUSTICE O'CONNOR delivered the opinion of the Court.

Section 437h of the Federal Election Campaign Act of 1971 (FECA), 88 Stat. 1285, as amended, 2 U. S. C. § 437h, lists three categories of plaintiffs who may challenge the constitutional validity of FECA in specially expedited suits: (1) the Federal Election Commission (FEC), (2) "the national committee of any political party," and (3) "any individual eligible to vote in any election for the office of President." In this case, we address a question we expressly reserved in *California Medical Association v. Federal Election Commission*, 453 U. S. —, —, n. 6 (1981): whether a party not belonging to one of the three categories listed in § 437 may nonetheless invoke its procedures.

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I

The appellants are two trade associations and three political action committees (PACs): the National Restaurant Association and its associated PAC, the Restaurateurs Political Action Committee, the National Lumber and Building Material Dealers Association and its associated PAC, the Lumber Dealers Political Action Committee, and the Bread Political Action Committee, the PAC associated with the American Bakers Association. In order to challenge the validity of

Stylistic Changes Throughout

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall ✓  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens

From: Justice O'Connor

Circulated: \_\_\_\_\_

Recirculated: **MAR 5 1982**

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 80-1481

BREAD POLITICAL ACTION COMMITTEE, ET AL.,  
APPELLANTS, *v.* FEDERAL ELECTION COMMITTEE,  
ET AL.

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

[March —, 1982]

JUSTICE O'CONNOR delivered the opinion of the Court.

Section 310 of the Federal Election Campaign Act of 1971 (FECA), 88 Stat. 1285, as amended, 2 U. S. C. § 437h (1976 ed. and Supp. III), lists three categories of plaintiffs who may challenge the constitutional validity of FECA in specially expedited suits: (1) the Federal Election Commission (FEC), (2) "the national committee of any political party," and (3) "any individual eligible to vote in any election for the office of President." In this case, we address a question we expressly reserved in *California Medical Assn. v. Federal Election Comm'n*, 453 U. S. —, — n. 6 (1981): whether a party not belonging to one of the three categories listed in § 437h may nonetheless invoke its procedures.

### I

The appellants are two trade associations and three political action committees (PACs): the National Restaurant Association and its associated PAC, the Restaurateurs Political Action Committee, the National Lumber and Building Material Dealers Association and its associated PAC, the Lumber Dealers Political Action Committee, and the Bread Political Action Committee, the PAC associated with the American Bakers Association. In order to challenge the validity of 2