

file: Koch

Draft
December 3, 1975

ESCROW AGREEMENT

AGREEMENT, made this ___ day of _____, 197_, among Charles Koch (hereinafter the Donor), and the Libertarian Party (hereinafter the Donee) and _____ (hereinafter the Escrow Agent).

WHEREAS the Donor and the Donee desire clarification of the lawfulness of this contribution under the Federal Election Campaign Act, and

WHEREAS, such clarification is being sought by letter to the Federal Election Commission dated _____

IT IS THEREFORE AGREED:

1. The Donor will prior to January 1, 1976, deposit with the Escrow Agent the sum of \$25,000, to be held by the Escrow Agent until notified of the occurrence of one of the contingencies set forth in Paragraph 2.
2. If the Federal Election Commission rules or gives its opinion that the Donee may not lawfully accept an unearmarked or unrestricted contribution of \$25,000 from a single individual in a single calendar year, then upon notification thereof by the Donee the Escrow Agent shall promptly thereafter return all sums deposited pursuant to this Agreement to the Donor, and the Escrow Agent shall thereupon be discharged from all liability under this Agreement. If the Federal Election Commission rules or

gives its opinion that the Donee may lawfully accept an unearmarked and unrestricted contribution of \$25,000 from a single individual in a single calendar year, or if the Supreme Court of the United States holds 18 U.S.C. § 608(b)(1) unconstitutional, then upon notification thereof by the Donee the Escrow Agent shall promptly thereafter pay over to the Donee all sums deposited pursuant to this Agreement, and the Escrow Agent shall thereupon be discharged from all liability under this Agreement. If none of the foregoing contingencies has occurred prior to January 1, 1977, then upon notification thereof by the Donor the Escrow Agent shall promptly thereafter return all sums deposited under this Agreement to the Donor, and the Escrow Agent shall thereupon be discharged from all liability under this Agreement.

3. All sums deposited under this Agreement shall be placed in an interest-bearing account. Upon the discharge of the Escrow Agent pursuant to Paragraph 2, accumulated interest shall be paid to the Donor.

4. This Agreement shall bind the parties thereto and their legal representatives, successors and assigns.

Charles Koch
Donor

Libertarian Party
Donee

By: _____

Escrow Agent
By: _____

_____, 1975