



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1096

Date Filmed 5/30/80 Camera No. --- 2

Cameraman SPC

0040191218

00040191219

● SENDER Complete items 1, 2 and 3  
Add your address in the RETURN TO space on reverse

1 The following service is requested (check one)  
 Show to whom and date delivered \_\_\_\_\_¢  
 Show to whom, date, and address of delivery \_\_\_\_\_¢  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_¢  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 CONSULT POSTMASTER FOR FEES

2 ARTICLE ADDRESSED TO *Abel M. Adams*  
*1725 J St NW*

3 ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
*hllhh*

Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE *[Signature]* Addressee  Authorized agent

4 DATE OF DELIVERY **MAY 5 - 1980** POSTMARK

5 ADDRESS Complete only if requested.

6 UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

POSTAGE WILL BE PAID BY ADDRESSEE REGISTERED MAIL INSURED AND CERTIFIED MAIL

☆GPO 1977-0-249-595

*Abel M. Adams*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 2, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gail M. Harmon  
Sheldon, Harmon and Weiss  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

RE: MUR 1096

Dear Ms. Harmon:

We have received your letter of November 28, 1979, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Although the Commission took jurisdiction over a complaint very similar to the present one (MUR 1050) and found no reason to believe that a violation had occurred, the Commission has reconsidered the statutory basis for this kind of complaint and determined on March 19, 1980, that such complaints are inappropriate for challenging respondents under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)).

Consequently, the Commission has decided to take no action on your complaint. We are writing Mr. Harrison to apprise him of the necessity of submitting a written consent to the Commission which would cover notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) as well as conciliation pursuant to § 437g(a)(4)(B) required by the January 8, 1980 amendments to the Act to effect a complete waiver of confidentiality. A copy of this letter is attached hereto. Please feel free to contact R. Lee Andersen, the attorney assigned to this complaint, if you have any further questions.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Copy of letter to Mr. Harrison

00040191220



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 30, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gail M. Harmon  
Sheldon, Harmon and Weiss  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

*PLA*

RE: MUR 1096

Dear Ms. Harmon:

We have received your letter of November 28, 1979, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Although the Commission took jurisdiction over a complaint very similar to the present one (MUR 1050) and found no reason to believe that a violation had occurred, the Commission has reconsidered the statutory basis for this kind of complaint and determined on March 19, 1980, that such complaints are inappropriate for challenging respondents under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)).

Consequently, the Commission has decided to take no action on your complaint. We are writing Mr. Harrison to apprise him of the necessity of submitting a written consent to the Commission which would cover notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) as well as conciliation pursuant to § 437g(a)(4)(B) required by the January 8, 1980 amendments to the Act to effect a complete waiver of confidentiality. A copy of this letter is attached hereto. Please feel free to contact R. Lee Andersen, the attorney assigned to this complaint, if you have any further questions.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Copy of letter to Mr. Harrison

00040191221



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 2<sup>nd</sup> 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Marion E. Harrison  
Barnett, Alagia & Carey  
1627 K Street, N.W.  
Washington, D.C. 20006

RE: MUR 1096

Dear Mr. Harrison:

On December 5, 1979, the Commission notified you of a complaint alleging that your client, Life Amendment Political Action Committee (LAPAC), may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 19, 1980, decided on the basis of the information in the complaint to take no action on this matter. Accordingly, the Commission has closed its file in this matter.

However, we are in receipt of a letter written from you to Gail M. Harmon dated November 30, 1979, (See Attachment) in which you state in the last paragraph the following:

Our client routinely waives, and has waived, confidentiality as to any complaint filed with FEC against it, and it has filed no complaint with FEC on its own.

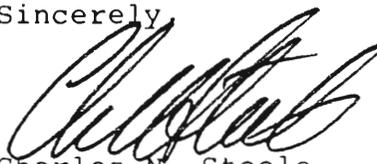
004019122

Mr. Marion E. Harrison  
Page 2

The Office of General Counsel has not received a written consent which would waive confidentiality for notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) (former 2 U.S.C. § 437g(a)(3)(B)) as well as conciliation pursuant to § 437g(a)(4)(B) as is required by the January 8, 1980, amendments to the Act. Should you wish to waive confidentiality under both these provisions, please resubmit your consent in writing to the Commission indicating by number to which MUR or MUR's the waiver is to apply.

If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,



Charles N. Steele  
General Counsel

Attachment

Letter by Marion E. Harrison

cc: Gail M. Harmon

00040191223

FORM 3871 (REV. 11-1-67) REGISTERED AND CERTIFIED MAIL

SENDER Complete items 1, 2, and 3  
Add your address in the RETURN TO space on reverse

1. The following service is requested (check one).  
 Show to whom and date delivered \_\_\_\_\_¢  
 Show to whom, date, and address of delivery \_\_\_\_\_¢  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_¢  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$ \_\_\_\_\_  
 CONSULT POSTMASTER FOR FEES

2. ARTICLE ADDRESSED TO *William Adams*  
*1007 K St NW*  
*Room 2000*

ARTICLE DESCRIPTION \_\_\_\_\_  
 REGISTERED NO. CERTIFIED NO. INSURED NO. \_\_\_\_\_  
*511hnb*

Always obtain signature of addressee or agent)

3. SIGNATURE \_\_\_\_\_  
 Addressee  Authorized agent

4. DATE OF DELIVERY \_\_\_\_\_ POSTMARK \_\_\_\_\_  
*5/1/70*

5. ADDRESS \_\_\_\_\_

6. UNABLE TO DELIVER BECAUSE \_\_\_\_\_ CLERK'S INITIALS \_\_\_\_\_

PS Form 3871-0-249-595

*1007 K St NW Adams*



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 30, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Marion E. Harrison  
Barnett, Alagia & Carey  
1627 K Street, N.W.  
Washington, D.C. 20006

*RMT*

RE: MUR 1096

Dear Mr. Harrison:

On December 5, 1979, the Commission notified you of a complaint alleging that your client, Life Amendment Political Action Committee (LAPAC), may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 19, 1980, decided on the basis of the information in the complaint to take no action on this matter. Accordingly, the Commission has closed its file in this matter.

However, we are in receipt of a letter written from you to Gail M. Harmon dated November 30, 1979, (See Attachment) in which you state in the last paragraph the following:

Our client routinely waives, and has waived, confidentiality as to any complaint filed with FEC against it, and it has filed no complaint with FEC on its own.

00040191225

Mr. Marion E. Harrison  
Page 2

The Office of General Counsel has not received a written consent which would waive confidentiality for notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) (former 2 U.S.C. § 437g(a)(3)(B)) as well as conciliation pursuant to § 437g(a)(4)(B) as is required by the January 8, 1980, amendments to the Act. Should you wish to waive confidentiality under both these provisions, please resubmit your consent in writing to the Commission indicating by number to which MUR or MUR's the waiver is to apply.

If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Letter by Marion E. Harrison

cc: Gail M. Harmon

5  
2  
2  
1  
9  
1  
4  
0  
0  
0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1096  
Life Amendment Political )  
Action Committee (LAPAC) )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 29, 1980, the Commission approved by a vote of 6-0 the proposed letters, as attached to the Memorandum to the Commission dated April 24, 1980, to Mr. Marion E. Harrison, counsel to the Life Amendment Political Action Committee and Gail Harmon, complainant in MUR 1096.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

4/29/80  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary to the Commission

Received in Office of the Commission Secretary: 4-24-80, 4:25  
Circulated on 48 hour vote basis: 4-25-80, 2:00

00040191227

April 24, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1096

Please have the attached Memo distributed to the Commission on a 48 hour tally basis. Thank you.

80040191228



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

80 APR 24 P 4 25

April 24, 1980

MEMORANDUM TO: The Commission  
FROM: Charles N. Steele  
General Counsel *CNS*  
SUBJECT: MUR 1096 Letters

The attached letters are being circulated to the Commission for approval. On March 19, 1980, the Commission considered the First General Counsel's Report in MUR 1096 and voted to take no action to close the file, and to notify the Respondent and Complainant. The letters which are attached to this memorandum reflect changes in the confidentiality provisions of the Act caused by the 1980 amendments which were not incorporated in the draft letters approved by the Commission on March 19, 1980. These changes are not substantive.

0040191220



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Marion E. Harrison  
Barnett, Alagia & Carey  
1627 K Street, N.W.  
Washington, D.C. 20006

RE: MUR 1096

Dear Mr. Harrison:

On December 5, 1979, the Commission notified you of a complaint alleging that your client, Life Amendment Political Action Committee (LAPAC), may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on March 19, 1980, decided on the basis of the information in the complaint to take no action on this matter. Accordingly, the Commission has closed its file in this matter.

However, we are in receipt of a letter written from you to Gail M. Harmon dated November 30, 1979, (See Attachment) in which you state in the last paragraph the following:

Our client routinely waives, and has waived, confidentiality as to any complaint filed with FEC against it, and it has filed no complaint with FEC on its own.

00040191230

Mr. Marion E. Harrison  
Page 2

The Office of General Counsel has not received a written consent which would waive confidentiality for notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) (former 2 U.S.C. § 437g(a)(3)(B)) as well as conciliation pursuant to § 437g(a)(4)(B) as is required by the January 8, 1980, amendments to the Act. Should you wish to waive confidentiality under both these provisions, please resubmit your consent in writing to the Commission indicating by number to which MUR or MUR's the waiver is to apply.

If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Letter by Marion E. Harrison

cc: Gail M. Harmon

00040191231



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gail M. Harmon  
Sheldon, Harmon and Weiss  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

RE: MUR 1096

Dear Ms. Harmon:

We have received your letter of November 28, 1979, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Although the Commission took jurisdiction over a complaint very similar to the present one (MUR 1050) and found no reason to believe that a violation had occurred, the Commission has reconsidered the statutory basis for this kind of complaint and determined on March 19, 1980, that such complaints are inappropriate for challenging respondents under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)).

Consequently, the Commission has decided to take no action on your complaint. We are writing Mr. Harrison to advise him of the necessity of submitting a written consent to the Commission which would cover notification and investigation pursuant to 2 U.S.C. § 437g(a)(12)(A) as well as conciliation pursuant to § 437g(a)(4)(B) required by the January 8, 1980 amendments to the Act to effect a complete waiver of confidentiality. A copy of this letter is attached hereto. Please feel free to contact R. Lee Andersen, the attorney assigned to this complaint, if you have any further questions.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Copy of letter to Mr. Harrison

00040191232

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1096  
Life Amendment Political )  
Action Committee (LAPAC) )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 19, 1980, the Commission decided by a vote of 6-0 to take the following actions regarding MUR 1096:

1. Take no action on this matter.
2. Close the file.
3. Approve and send the letters as attached to the First General Counsel's Report dated March 14, 1980.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Reiche, and Tiernan.

Attest:

*3/19/80*

Date

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of the Commission Secretary: 3-14-80, 10:14  
Circulated on 48 hour vote basis: 3-14-80, 2:00

0040191233

March 14, 1950

MEMORANDUM TO: Marjorie W. Emons  
FROM: Elissa T. Garr  
SUBJECT: MUR 1096

Please have the attached First GC Report distributed  
to the Commission on a 48 hour tally basis. Thank you.

80040191234

FEDERAL ELECTION COMMISSION  
1325 K Street, N.W.  
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION 3-14-80

MUR # 1096  
DATE COMPLAINT RECEIVED  
BY OGC 12/30/79

STAFF MEMBER Andersen

COMPLAINANT'S NAME: Gail M. Harmon

RESPONDENT'S NAME: Life Amendment Political Action Committee (LAPAC)

RELEVANT STATUTE: 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly  
2 U.S.C. §437g(a)(4)(B))

5  
3  
2  
1  
9  
1  
9  
1  
4  
0  
1  
3

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainant, Gail M. Harmon, alleges that through a direct mail, fundraising appeal the Life Amendment Political Action Committee (LAPAC) has made a de facto waiver of confidentiality under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)) of the Federal Election Campaign Act ("the Act"). Complainant requests the Commission to "promptly share" the results of the Commission's investigation of LAPAC. (See Complaint - Exhibit 1).

ANALYSIS

The Commission considered a complaint virtually identical to this one in MUR 1050 on November 1, 1979. The complaint in MUR 1050 alleged that the "airing" of the existence of an FEC investigation by the National Right to Life Committee (NRL) in a direct mail appeal amounted to a waiver of the NRL's right to confidentiality under the Act. The Commission found no reason to believe that the NRL waived confidentiality under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)) and closed the case.

The Office of the General Counsel has reconsidered the problem of de facto waiver under the Act. 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)) appears to provide protection only for persons against whom complaints have been filed, or who are involved in an Federal

Election Commission investigation, and does not seem to provide complainants with any right to assert a de facto waiver of confidentiality outside of the original complaint. The use of a separate complaint thus appears to be inappropriate for challenging respondents under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)) in this instance. Therefore, the Office of the General Counsel recommends that the Commission take no action on this matter and close the file.

The Commission has received a copy of a letter written by Marion E. Harrison, LAPAC's attorney, to Gail M. Harmon stating that LAPAC "routinely waives and has waived confidentiality as to any complaint filed with the FEC against it". (See Exhibit 2). However, the Commission has directly received no written consent to make public any complaint against LAPAC or the fact of any investigation in which LAPAC is involved. The Office of the General Counsel questions whether this letter constitutes written consent to make public the Commission's investigation of LAPAC. The last paragraph of the letter is somewhat confusing in that it speaks not only in the past tense concerning a waiver for which the Commission has no record, but also seems to imply an intent to waive confidentiality for any and all complaints which may be filed against LAPAC in the future. Therefore, we are recommending that a letter be sent to Mr. Harrison asking for written clarification on the question of whether the letter of November 30, 1979, sent to Gail M. Harmon with a copy to the Commission, was intended to be a consent to make public the Commission's investigation of LAPAC.

RECOMMENDATIONS

1. Take no action on this matter.
2. Close the file.
3. Approve and send the attached letters.

Attachments

Complaint - Exhibit 1  
Exhibit 2  
Letters to Gail Harmon and Marion Harrison

00191235

3007

11779

RECEIVED  
FEDERAL ELECTION  
COMMISSION

SHELDON, HARMON & WEISS

1725 I STREET, N. W.

SUITE 506

WASHINGTON, D. C. 20006

79 NOV 30 AM 11 50

TELEPHONE  
(202) 833-9070

KARIN P SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
ANNE LUZZATTO

November 28, 1979

Charles N. Steele, Esquire  
Acting General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

00518

79 NOV 30, P12: 33

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

RE: Life Amendment Political Action Committee

Dear Mr. Steele:

Enclosed is another direct mail fundraising appeal in which an anti-abortion group, this time LAPAC, characterizes your agency's investigations as "groundless" and "ridiculous."

We believe that this letter constitutes a de facto waiver of the confidentiality provisions of the Federal Election Campaign Act and request that you promptly share with us the results of your investigations.

LAPAC has at least a limited First Amendment right to take pot shots at the FEC and use this for fundraising purposes. The FEC, however, does not need to sit idly by: it could declare confidentiality waived immediately or it could inform LAPAC that confidentiality will be deemed waived unless it ceases injudicious public comment on the FEC investigation.

LAPAC uses the letter to announce a campaign to harass the pro-choice movement so that it will stop reporting illegalities of the anti-abortion movement. For your information I am enclosing the correspondence related to the question of lobbying reports. Clearly in this instance LAPAC's attorneys did not bother to verify the most elementary facts. I trust that they will act more responsibly when filing complaints with the FEC.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge. This complaint was not filed on behalf of or at the request or suggestion of any candidate.

Sincerely,

*Gail M. Harmon*

Gail M. Harmon

Exhibit 1

60040191237

SHELDON, HARMON & WEISS

Charles N. Steele, Esquire  
November 28, 1979  
Page 2

NOTARY:

Signed and subscribed before me  
this 29<sup>th</sup> day of November 1979.

Katherine Katsuros

My Commission Expires April 14, 1981

GMH/dmw  
Enclosures

00040191233

IF THE NATIONAL ABORTION RIGHTS ACTION LEAGUE THINKS FOR ONE MINUTE THAT IT CAN HARASS THE PRO-LIFE MOVEMENT WITH IMPUNITY, THEY HAVE ANOTHER THING COMING!!

Dear Friend of Life:

About six months ago the National Abortion Rights Action League (NARAL) filed charges against LAPAC and seven other pro-life organizations for election irregularities (their term) and other so-called abuses of the Federal Election Law. A year earlier they launched other charges through the Justice Department claiming "cover-up" by a pro-life group in their lobbying report.

Part of the anti-life strategy is to tie-up the pro-life movement in legalities and make us waste time and money defending ourselves against ridiculous charges. Even if the charges are groundless, we must still use an attorney to defend ourselves. This is costly, and worse yet, impossible for some local pro-life groups who can't afford a good attorney.

About a month ago our attorney turned in our most recent answer to the Federal Election Commission. This was in response to charges filed against us by NARAL. Over 500 pages of material had to be gathered and the time and expense in answering these charges is enormous. What are the local, city and state groups to do when charged by NARAL? Can they afford a good attorney? The answer to that is generally NO. We can't afford one either, but our only other alternative is to close-up shop and get out of the movement and that is precisely what NARAL wants.

It is now time for some pro-life group to put an end to this nonsense! It is time for some pro-life group to take the offensive! It is time to research NARAL and their reports and if possible, file some charges of our own!

LAPAC is pleased to announce that we are doing just that. We have on retainer two attorneys who have filed charges against NARAL with the Justice Department, the clerks of the House and Senate, and the Federal Election Commission for various omissions from their lobbying and FEC reports. We have a good case, documented evidence and all material necessary to win our case. My friends, we are on the attack! Let's let the abortionists know what it is like. It is still a free country and we demand they comply with the law, just like everyone else.

(over, please)

A copy of our report is filed with and available for purchase from the Federal Election Commission, Washington, D.C.

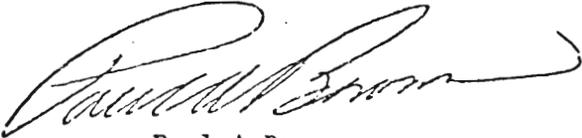
P. O. BOX 14263 • BEN FRANKLIN STATION • WASHINGTON, D C 20044

0040191230

A copy of a suppressed (what's new?) press release is included in this letter. I hope you will try to spread the word to all local groups and investigate the abortionists and their compliance with all laws. If you find a violation, let us know. My friends, we also need your financial help. The burden of proof is now on NARAL but we must initiate all legal action and that costs money. Attorneys don't come cheap, but when they are able to send the message to NARAL and all the abortionists to quit harassing the pro-lifers of this country, then it is worth the effort. If NARAL finds itself answering all sorts of charges then they might give some thought to dropping their strategy of tying-up the pro-life movement in the courts!

We have a case, we can win! We will win! All we need is your help and we need it now. We are doing something for all pro-life groups in America. Please respond generously today. We have enclosed a postage-paid envelope for your convenience.

God is Life, Love Life,



Paul A Brown  
Director  
LAPAC, INC.

P.S. Your postage-paid reply envelope and contribution form are attached to the enclosed brochure.

80040191240

SHELDON, HARMON & WEISS

1725 I STREET, N. W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE  
(202) 833-9070

KARIN P. SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
ANNE LUZZATTO

November 26, 1979

The Honorable Phillip B. Heymann  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

RE: National Abortion Rights Action League  
Lobbying Reports

Dear Mr. Heymann:

I am writing in response to a letter dated November 23, 1979 sent to you by Marion Edwyn Harrison of Barnett, Alagia & Carey relating to lobbying reports filed by National Abortion Rights Action League (NARAL).

Ms. Harrison objects to NARAL's temporary and fully-disclosed efforts to keep confidential the names of its large contributors. Ms. Harrison, however, neglected to check the current records or she would have noticed that the relevant information was filed by letter dated October 26, 1979 - almost a month before her letter to you.

I am sure that you do not wish to delve into the difficult First Amendment issues presented by a moot case. Briefly, because of repeated incidents of violence directed at abortion clinics, NARAL sought to protect its major contributors by keeping their names confidential. In doing so it relied on Supreme Court cases such as Louisiana v. NAACP and Talley v. California. When the clerk of the House informed NARAL that clinic violence did not, in his mind, indicate risks to contributors, NARAL promptly provided the names.

If you need any further information, please contact the undersigned.

Sincerely,

*Gail M. Harmon*  
Gail M. Harmon

GMH/dmw  
Enclosures

cc: Marion Edwyn Harrison  
Paul Brown

0040191241

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

TELEPHONE (202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA\*

KENTUCKY HOME LIFE BUILDING

BOX 1179

LOUISVILLE, KENTUCKY 40201

TELEPHONE (502) 585-4131

BARNETT, ALAGIA & PROSPERI\*\*

348 ROYAL PALM WAY

PALM BEACH, FLORIDA 33480

TELEPHONE (305) 832-5898

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN  
JOHN T. MILLER\*  
MICHAEL E. LANNON\*  
RICHARD A. GLADSTONE  
PATRICIA C. ANDERSON  
ANTHONY G. BROWN\*  
DARRYL W. DURHAM\*  
WM. CARL FUST\*  
GARY D. GARRISON\*  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
IVAN RICH\*

OF COUNSEL

RUFUS E. WILSON

D. PAUL ALAGIA, JR.  
WILLIAM A. CAREY  
ALLAN B. SOLOMON\*  
M. BROOKS SENN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERI\*\*  
ST. JOHN BARRETT  
CHARLES DAWSON BARNETT\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN S. KECK\*  
KARL F. LOUCKS II\*\*  
DONALD F. MINTMIRE  
JACK E. RUCK\*  
JOHN F. SHERLOCK III  
LEE C. SUMMERS\*  
MARY JO WINKLER\*

November 23, 1979

The Honorable Philip B. Heymann  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

Re: National Abortion Rights Action League-  
Report Pursuant to Federal Regulation of  
Lobbying Act for the First Quarter of 1979

Dear Mr. Heymann:

We represent Life Amendment Political Action Committee, Inc. ("LAPAC"). LAPAC invites to our attention unlawfully incomplete reporting by the National Abortion Rights Action League ("NARAL"). We enclose copies of the reports filed by NARAL pursuant to the Federal Regulation of Lobbying Act ("Lobbying Act") for the first and second quarters of 1979.

On page 3 of each Report, in lieu of providing the statutorily required listing of the names of persons who contributed over \$500.00 to NARAL during the respective quarters, NARAL submits the following statement:

00040191242

The Honorable Philip B. Heymann  
November 23, 1979  
Page two

"Under advice of counsel, we have omitted the identities of those persons who made substantial contributions to NARAL during the last quarter."

"Frequent acts of violence against clinics where legal abortions are performed, as well as systematic psychological harassment of many individuals exercising constitutionally guaranteed rights in expressing support of the pro-choice movement, necessitate this omission."

"While the government's interest in disclosure under these provisions of the Lobbying Act was, and is, in the political process, such interest cannot prevail if sustained by means which lead to the stifling of fundamental personal liberties. Louisiana v. NAACP [sic]<sup>1/</sup>, 357 U.S. 449.

"As has been recognized by the Supreme Court in Tally [sic] v. California, 362 U.S. 60, identity and the fear of continued reprisals might deter discussion; a matter of grave public concern where that discussion should be encouraged."

The Lobbying Act clearly requires that an organization which intends to influence legislation report the source of contributions in excess of \$500.00. 2 U.S.C. §§ 264 and 267. This provision is intended to provide Congress the information needed to assess the pressures of those "who for hire attempt to influence legislation or who collect or spend funds for that purpose." United States v. Harriss, 356 U.S. 612, 625, 98 L.Ed. 989, 1000 (1954).

---

<sup>1/</sup> Case name should properly be cited as NAACP v. Alabama.

00040191243

The Honorable Philip B. Heyman  
November 23, 1979  
Page three

The constitutionality of the Lobbying Act was upheld by the Supreme Court in Harriss. Id. In that case, Defendants argue that the Lobbying Act is unconstitutional because various provisions are "too vague and indefinite to meet the requirements of due process", "violate the First Amendment guarantees of freedom of speech, freedom of the press, and the right to petition the Government", and violate "the right of the people under the First Amendment to petition the Government". Id. at 617. The Supreme Court expressly holds that the statute does not infringe upon First Amendment rights.

004000044  
In Buckley v. Valeo, 424 U.S. 29, 26 L.Ed.2d 694 (1978), the Supreme Court holds that compelled disclosure can "seriously infringe on privacy of association and belief." Buckley v. Valeo, supra, 424 U.S. at 64 and 46 L.Ed.2d at 713. Such compelled disclosure must be justified by something more than a "mere showing of some legitimate governmental interest." Id. The test this justification must survive is described as "exacting scrutiny". Id. The state is required to show a "relevant correlation" or a "substantial relation" between the governmental interest furthered and the information to be disclosed. Id. For purposes of applying this test, the Court in Buckley treats members of organizations and contributors to organizations interchangeably. Buckley, supra, 424 U.S. at 66, 46 L.Ed.2d 714. The Court goes on to find that the governmental interests served by the disclosure requirements of the Federal Election Campaign Act are sufficiently important to outweigh the possibility of infringement of a right to "privacy of association and belief", particularly when the free functioning of our national institutions is involved. Id., quoting Communist Party v. Subversive Activities Control Board, 367 U.S. 1, 97, 6 L.Ed.2d 625.

NARAL questions the constitutionality of the periodic reporting required by the Lobbying Act. Such compelled disclosure, under the precepts of Buckley, may "seriously infringe

The Honorable Philip B. Heymann  
November 23, 1979  
Page four

on privacy of association and belief." Buckley, supra, 424 U.S. at 64, 46 L.Ed.2d at 713. Therefore, the governmental interest served must be subjected to exacting scrutiny and there must be a relevant correlation or substantial relation between the interest served and the information to be disclosed.

Because Congress can only assess the pressure of those attempting to influence legislation through the expenditure of funds if it knows who those persons are, the compelled disclosure of the Lobbying Act is substantially related to the interest served. As in Buckley, the governmental interest in protecting the integrity of the political process is a substantial governmental interest. Buckley, supra, 424 U.S. at 66-67, 46 L.Ed. 2d at 714-15. Although some persons who might otherwise contribute to NARAL may be deterred because of the compelled disclosure and others who contribute may be exposed to harassment or retaliation, these burdens must be weighed against the interest which Congress sought to promote through the Lobbying Act. Buckley, supra, 424 U.S. at 68, 46 L.Ed.2d at 715. On this point, the Court in Buckley finds that "disclosure requirements . . . appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist" and upholds the reporting required by the Federal Election Campaign Act. Buckley, supra, 424 U.S. at 68, 46 L.Ed.2d at 715-16. As in Buckley, we believe the Lobbying Act disclosure requirements, if attacked by NARAL as unconstitutional, would be upheld.

NARAL, in its reports, refers to NAACP v. Alabama 357 U.S. 449, 2 L.Ed.2d 1488 (1958), and Talley v. California, 362 U.S. 60, 4 L.Ed.2d 559 (1960). As we will show, neither these cases nor First National Bank of Boston v. Bellotti, 435 U.S. 765, 55 L.Ed.2d 707, rehearing denied 57 L.Ed.2d 1150 (1978), is dispositive of NARAL's contention that the disclosure required by the Lobbying Act is unconstitutional. Although any such compelled disclosure infringes upon a contributor's right to privacy of association and belief, the disclosure required by the Lobbying Act bears a substantial relationship to a compelling governmental interest and is therefore constitutional.

The Honorable Philip B. Heymann  
November 23, 1979  
Page five

NAACP v. Alabama involves an attempt by the State of Alabama to require the NAACP to submit a list of its members in connection with a hearing on the question of whether the NAACP must register to do business within the State of Alabama pursuant to Alabama Code 1940, Title 10, §§192-198. The NAACP withheld lists of its rank-and-file members because the release of such lists would infringe on its members' right to privacy of association and belief and would subject those members to economic and social reprisals. The Court holds that the right to privacy of association and belief is one guaranteed by the Fourteenth Amendment and that the action by the State of Alabama infringes upon this right. It further holds that such state action is subject to the "closest scrutiny", NAACP v. Alabama, supra, 357 U.S. at 461, 2 L.Ed.2d at 1499, and that the state interest must be "compelling", NAACP v. Alabama, supra, 2 L.Ed.2d at 1500. The State of Alabama had indicated that its exclusive reason for requesting the membership lists was "to determine whether petitioner was conducting intrastate business in violation of the Alabama foreign corporation registration statute" and "whether the extent of petitioner's activities without qualifying suggested its permanent ouster from the State." NAACP v. Alabama, supra, 357 U.S. at 464, 2 L.Ed.2d at 1501. The Court concludes that disclosure of the names of rank-and-file members had no bearing on these issues and that the state fails to show the "controlling justification" necessary to uphold state action infringing on one of the liberties guaranteed by the Fourteenth Amendment.

NAACP v. Alabama is relevant to a discussion of the constitutionality of the compelled disclosure required by the Lobbying Act only because it involves the right to privacy of association and belief and sets forth the test to be used in determining the constitutionality of statutes affecting that right. In our opinion, application of the tests enunciated in NAACP v. Alabama would compel a different result from that reached by the Court in that case. The governmental interests served by the Lobbying Act are compelling, the compelled disclosure bears a substantial relationship to the governmental interest served and the statute is closely drawn so as to avoid unnecessary abridgement of First Amendment rights. Accordingly, under the tenets of the Court in NAACP v. Alabama, the compelled disclosure requirements of the Lobbying Act are constitutional.

000001045

The Honorable Philip B. Heymann  
November 23, 1979  
Page six

In Talley v. California, the Supreme Court examines the constitutionality of the requirement in §28.06 of the Municipal Code of the City of Los Angeles that handbills distributed within the City contain the name and address of persons who print, compile, manufacture or distribute the handbills. The City intended the ordinance to provide "a way to identify those responsible for fraud, false advertising and libel." Talley v. California, supra, 362 U.S. at 64, 4 L.Ed. 2d at 562. Defendants argue that such a requirement interferes with their freedom of speech and press in violation of the Fourteenth and First Amendments. The Supreme Court holds that the governmental interest is not sufficiently compelling to justify this interference with Fourteenth Amendment rights, particularly in view of the historical significance of anonymously published literature in America.

As with NAACP v. Alabama, we do not believe that the Court's decision in Talley v. California suggests the conclusion that the compelled disclosure requirements of the Lobbying Act are unconstitutional. The City of Los Angeles' interest in identifying those responsible for fraud, false advertising and libel is not as compelling as the governmental interest of providing Congress the information needed to assess the pressures of those "who for hire attempt to influence legislation or who collect or spend funds for that purpose." Harriss, supra, 256 U.S. at 625, 98 L.Ed. at 1000. Because of the importance of the governmental interest furthered in the Lobbying Act, we believe that Act would withstand NARAL's attack of its constitutionality.

The Supreme Court, in yet another case involving similar issues, finds a Massachusetts statute forbidding banks and business corporations from spending corporate funds for the purpose of influencing the vote on referendum proposals to be unconstitutional. First National Bank of Boston v. Bellotti, 435 U.S. 765, 55 L.Ed.2d 707, rehearing denied 57 L.Ed.2d 1150 (1978). The Court finds the state interest furthered by the statute to be inadequate to justify "limiting the stock of information from which members of the public may draw." Bellotti, supra, 435 U.S. at 783, 55 L.Ed.2d at 722. The State of Massachusetts articulated two interests served by this legislation--

"The first, the State's interest in sustaining the active role of the individual citizen in the electoral

7  
4  
2  
9  
0  
1  
0  
0

The Honorable Philip B. Heymann  
November 23, 1979  
Page seven

process and thereby preventing . . . diminution of the citizen's confidence in government. The second is the interest in protecting the rights of shareholders whose views differ from those expressed by management on behalf of the corporation."

Bellotti, supra, 435 U.S. at 787, 55 L.Ed.2d at 725. The Court finds that the statute interferes with the corporation's freedom of speech and applies the following test---

"Where, as here, a prohibition is directed at speech itself, and the speech is intimately related to the process of governing, 'the State may prevail only upon showing a subordinating interest which is compelling' . . . and the burden is on the government to show the existence of such an interest.' Even then, the State must employ means 'closely drawn to avoid . . . unnecessary abridgement . . .'"

Bellotti, supra, 435 U.S. at 786, 55 L.Ed.2d at 724. The Court goes on to find that the state interest is not sufficiently compelling to justify the interference with the corporation's freedom of speech and that the means for achieving the state's interest are not closely enough related to the interest so as to avoid unnecessary abridgement of the freedom of speech.

Because Bellotti involves a prohibition directed at speech itself, application of the test enunciated in the decision to a disclosure statute is of questionable propriety. Even assuming applicability of the test, the governmental interest articulated in Bellotti is less compelling than that supporting the Lobbying Act and the statute in Bellotti is less closely drawn than is the Lobbying Act. The Bellotti decision is accordingly not dispositive of the question before us.

As stated before, we believe the compelled disclosure of the Lobbying Act is constitutional under the rules set forth by the Supreme Court in Harriss and Buckley.

0040191243

The Honorable Philip B. Heymann  
November 23, 1979  
Page eight

Until the Lobbying Act is repealed or amended, it is inappropriate for any organization to assume that it is above a law which others must follow. Accordingly, if NARAL's voluntary compliance cannot be obtained, we request that the appropriate persons be prosecuted under 2 U.S.C. §269 for willful violation of the Lobbying Act.

Because of our interest in assuring that federal laws are equally applied, we would appreciate a report on your enforcement effort.

Sincerely,



MARION EDWYN HARRISON

MEH:plv

cc: The Honorable Edmund Henshaw  
The Honorable J.S. Kimmitt  
Life Amendment Political Action Committee, Inc.  
Gail M. Harmon, Esquire

00040191249

ARNETT, ALAGIA & CAREY  
1627 K STREET, N.W.  
WASHINGTON, D.C. 20006

FEDERAL ELECTION COMMISSION

11793  
MIDWEST

D. PAUL ALAGIA, JR.  
WILLIAM A. CAREY  
ALLAN B. SOLOMON\*  
M. BROOKS SENN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERI\*\*  
ST. JOHN BARRETT  
CHARLES DAWSON BARNETT\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN S. KECK\*  
KARL F. LOUCKS II\*\*  
DONALD F. MINTMIRE  
JACK E. RUCK\*  
JOHN F. SHERLOCK III  
LEE C. SUMMERS\*  
MARY JO WINKLER\*

TELEPHONE (202) 785-5572  
CABLE ALL OFFICES ALB

73 DEC 3 PM 12:10

BARNETT & ALAGIA\*  
KENTUCKY HOME LIFE BUILDING  
BOX 1179  
LOUISVILLE, KENTUCKY 40201  
TELEPHONE (502) 583-4131

BARNETT, ALAGIA & PROSPERI\*\*  
249 ROYAL PALM WAY  
PALM BEACH, FLORIDA 33480  
TELEPHONE (305) 832-5888

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN  
JOHN T. MILLER\*  
MICHAEL E. LANNON\*  
RICHARD A. GLADSTONE  
PATRICIA C. ANDERSON  
ANTHONY O. BROWN\*  
DARRYL W. DURHAM\*  
WM. CARL FUST\*  
GARY D. GARRISON\*  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
IVAN RICH\*

OF COUNSEL  
RUFUS E. WILSON

November 30, 1979

005220

Ms. Gail M. Harmon  
Sheldon, Harmon & Weiss  
1725 I Street, N.W., Suite 506  
Washington, D. C. 20006

Re: Life Amendment Political Action Committee, Inc.

Dear Ms. Harmon:

Thank you for sending us a copy of your letter of November 28 to Charles N. Steele, Esquire, Acting General Counsel, Federal Election Commission ("FEC"), enclosing therewith what appears to be an undated photocopy of a letter from Life Amendment Political Action Committee, Inc. ("LAPAC") to an unidentified addressee.

Your letter does not identify your client. We assume, in view of prior correspondence, it is National Abortion Rights Action League. If it is otherwise or personal, you might want to advise.

The precise nature of your complaint to FEC also is unclear.

1. Perhaps you complain because you contend LAPAC "... characterizes [FEC's] investigations as 'groundless' and 'ridiculous'."

In the first place, under the First Amendment, LAPAC has a right so to characterize an FEC investigation.

RECEIVED  
GENERAL COUNSEL  
FEDERAL ELECTION COMMISSION

Exhibit 2.

00040101250

Ms. Gail M. Harmon  
November 30, 1979  
Page two

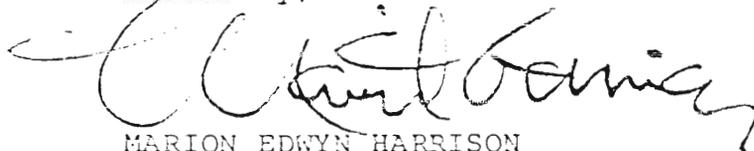
However, LAPAC has not done so. If one reads the second paragraph of the LAPAC letter which you enclose (the only place the words "groundless" and "ridiculous" are used by LAPAC), one finds that LAPAC refers to *your client's charges* as groundless and ridiculous, not to FEC's investigations of those charges.

2. Perhaps you complain because LAPAC filed charges against your client with the Assistant Attorney General, Criminal Division, Department of Justice, with respect to a matter over which FEC has no jurisdiction. In that event, we do not understand why you complain to FEC.

3. Perhaps you complain, to use your language, the tenor of which speaks for itself, because ". . . LAPAC's attorneys did not bother to verify the most elementary facts . . . [and should] act more responsibly when filing complaints with the FEC." Inasmuch as LAPAC's attorneys have filed no complaint with the FEC pertaining to your client, we again are unsure whereof you complain.

We do not understand your suggestion of waiver of confidentiality. Our client routinely waives, and has waived, confidentiality as to any complaint filed with FEC against it, and it has filed no complaint with FEC on its own.

Sincerely,



MARION EDWYN HARRISON

MEH:kg

cc Charles N. Steele, Esquire  
Life Amendment Political Action Committee, Inc.

80040101251



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gail M. Harmon  
Sheldon, Harmon and Weiss  
1725 I Street, N.W., Suite 506  
Washington, D.C. 20006

RE: MUR 1096

Dear Ms. Harmon:

We have received your letter of November 28, 1979, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act"). Although the Commission took jurisdiction over a complaint very similar to the present one (MUR 1050) and found no reason to believe that a violation had occurred, the Commission has reconsidered the statutory basis for this kind of complaint and determined on March , 1980, that such complaints are inappropriate for challenging respondents under 2 U.S.C. §437g(a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)).

Consequently, the Commission has decided to take no action on your complaint. We are writing Mr. Harrison to apprise him of the necessity of submitting a consent to the Commission in writing in order to effect a waiver of confidentiality. A copy of this letter is attached hereto. Please feel free to contact R. Lee Andersen, the attorney assigned to this complaint, if you have any further questions.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Copy of letter to Mr. Harrison



Mr. Marion E. Harrison  
Page 2

The Office of the General Counsel is aware of no written consent submitted to the Commission constituting a waiver of the right of your client, LAPAC, to confidentiality under 2 U.S.C. §437g (a)(4)(B) and (a)(12)(A) (formerly 2 U.S.C. §437g(a)(3)(B)). Your letter to Ms. Harmon implies that you have so waived this right. Should you wish to waive confidentiality in this matter, you must submit a consent in writing to the Commission pursuant to this provision.

Sincerely,

Charles N. Steele  
General Counsel

Attachment

Complaint

cc: Gail M. Harmon

60040191254

MUR 1096

ACC# 11793

BARNETT, ALAGIA & CAREY  
1627 K STREET, N.W.  
WASHINGTON, D.C. 20006  
FEDERAL ELECTION COMMISSION

TELEPHONE (202) 785-5572  
CABLE ALL OFFICES ALA

79 DEC 3 PM 12:10

D. PAUL ALAGIA, JR.  
WILLIAM A. CAREY  
ALLAN B. SOLOMON\*  
M. BROOKS SENN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERI\*\*  
ST. JOHN BARRETT  
CHARLES DAWSON BARNETT\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN S. KECK\*  
KARL F. LOUCKS II\*\*  
DONALD F. MINTMIRE  
JACK E. RUCK\*  
JOHN F. SHERLOCK III  
LEE C. SUMMERS\*  
MARY JO WINKLER\*

BARNETT & ALAGIA\*  
KENTUCKY HOME LIFE BUILDING  
BOX 1179  
LOUISVILLE, KENTUCKY 40201  
TELEPHONE (502) 585-4131

BARNETT, ALAGIA & PROSPERI\*\*  
249 ROYAL PALM WAY  
PALM BEACH, FLORIDA 33480  
TELEPHONE (305) 832-5698

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN  
JOHN T. MILLER\*  
MICHAEL E. LANNON\*  
RICHARD A. GLADSTONE  
PATRICIA C. ANDERSON  
ANTHONY O. BROWN\*  
DARRYL W. DURHAM\*  
WM. CARL FUST\*  
GARY D. GARRISON\*  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
IVAN RICH\*

OF COUNSEL  
RUFUS E. WILSON

November 30, 1979

00040191255

015220

Ms. Gail M. Harmon  
Sheldon, Harmon & Weiss  
1725 I Street, N.W., Suite 506  
Washington, D. C. 20006

Re: Life Amendment Political Action Committee, Inc.

Dear Ms. Harmon:

Thank you for sending us a copy of your letter of November 28 to Charles N. Steele, Esquire, Acting General Counsel, Federal Election Commission ("FEC"), enclosing therewith what appears to be an undated photocopy of a letter from Life Amendment Political Action Committee, Inc. ("LAPAC") to an unidentified addressee.

Your letter does not identify your client. We assume, in view of prior correspondence, it is National Abortion Rights Action League. If it is otherwise or personal, you might want to advise.

The precise nature of your complaint to FEC also is unclear.

1. Perhaps you complain because you contend LAPAC "... characterizes [FEC's] investigations as 'groundless' and 'ridiculous'."

In the first place, under the First Amendment, LAPAC has a right so to characterize an FEC investigation.

RECEIVED  
FEB 1 1980

BARNETT, ALAGIA & CAREY

Ms. Gail M. Harmon  
November 30, 1979  
Page two

However, LAPAC has not done so. If one reads the second paragraph of the LAPAC letter which you enclose (the only place the words "groundless" and "ridiculous" are used by LAPAC), one finds that LAPAC refers to *your client's charges* as groundless and ridiculous, not to FEC's investigations of those charges.

2. Perhaps you complain because LAPAC filed charges against your client with the Assistant Attorney General, Criminal Division, Department of Justice, with respect to a matter over which FEC has no jurisdiction. In that event, we do not understand why you complain to FEC.

3. Perhaps you complain, to use your language, the tenor of which speaks for itself, because ". . . LAPAC's attorneys did not bother to verify the most elementary facts . . . [and should] act more responsibly when filing complaints with the FEC." Inasmuch as LAPAC's attorneys have filed no complaint with the FEC pertaining to your client, we again are unsure whereof you complain.

We do not understand your suggestion of waiver of confidentiality. Our client routinely waives, and has waived, confidentiality as to any complaint filed with FEC against it, and it has filed no complaint with FEC on its own.

Sincerely,



MARION EDWYN HARRISON

MEH:kg  
cc Charles N. Steele, Esquire  
Life Amendment Political Action Committee, Inc.

00047191256

SHELDON, HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE  
(202) 833-9070

KARIN P. SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
ANNE LUZZATTO

November 28, 1979

Charles N. Steele, Esquire  
Acting General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RE: Life Amendment Political Action Committee

Dear Mr. Steele:

Enclosed is another direct mail fundraising appeal in which an anti-abortion group, this time LAPAC, characterizes your agency's investigations as "groundless" and "ridiculous."

We believe that this letter constitutes a de facto waiver of the confidentiality provisions of the Federal Election Campaign Act and request that you promptly share with us the results of your investigations.

LAPAC has at least a limited First Amendment right to take pot shots at the FEC and use this for fundraising purposes. The FEC, however, does not need to sit idly by: it could declare confidentiality waived immediately or it could inform LAPAC that confidentiality will be deemed waived unless it ceases injudicious public comment on the FEC investigation.

LAPAC uses the letter to announce a campaign to harass the pro-choice movement so that it will stop reporting illegalities of the anti-abortion movement. For your information I am enclosing the correspondence related to the question of lobbying reports. Clearly in this instance LAPAC's attorneys did not bother to verify the most elementary facts. I trust that they will act more responsibly when filing complaints with the FEC.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge. This complaint was not filed on behalf of or at the request or suggestion of any candidate.

Sincerely,

  
Gail M. Harmon

000101057

SHELDON, HARMON & WEISS

Charles N. Steele, Esquire

November 28, 1979

Page 2

NOTARY:

Signed and subscribed before me  
this 29<sup>th</sup> day of November 1979.

 Katherine Katsaros

My Commission Expires April 14, 1981

GMH/dmw  
Enclosures

60040191253

IF THE NATIONAL ABORTION RIGHTS ACTION LEAGUE THINKS  
FOR ONE MINUTE THAT IT CAN HARASS THE PRO-LIFE MOVE-  
MENT WITH IMPUNITY, THEY HAVE ANOTHER THING COMING!!

Dear Friend of Life:

About six months ago the National Abortion Rights Action League (NARAL) filed charges against LAPAC and seven other pro-life organizations for election irregularities (their term) and other so-called abuses of the Federal Election Law. A year earlier they launched other charges through the Justice Department claiming "cover-up" by a pro-life group in their lobbying report.

Part of the anti-life strategy is to tie-up the pro-life movement in legalities and make us waste time and money defending ourselves against ridiculous charges. Even if the charges are groundless, we must still use an attorney to defend ourselves. This is costly, and worse yet, impossible for some local pro-life groups who can't afford a good attorney.

About a month ago our attorney turned in our most recent answer to the Federal Election Commission. This was in response to charges filed against us by NARAL. Over 500 pages of material had to be gathered and the time and expense in answering these charges is enormous. What are the local, city and state groups to do when charged by NARAL? Can they afford a good attorney? The answer to that is generally NO. We can't afford one either, but our only other alternative is to close-up shop and get out of the movement and that is precisely what NARAL wants.

It is now time for some pro-life group to put an end to this nonsense! It is time for some pro-life group to take the offensive! It is time to research NARAL and their reports and if possible, file some charges of our own!

LAPAC is pleased to announce that we are doing just that. We have on retainer two attorneys who have filed charges against NARAL with the Justice Department, the clerks of the House and Senate, and the Federal Election Commission for various omissions from their lobbying and FEC reports. We have a good case, documented evidence and all material necessary to win our case. My friends, we are on the attack! Let's let the abortionists know what it is like. It is still a free country and we demand they comply with the law, just like everyone else.

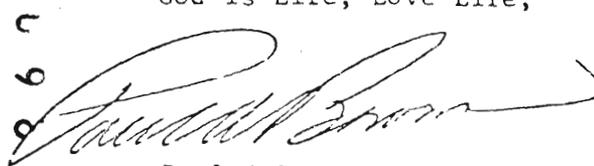
(over, please)

A copy of a suppressed (what's new?) press release is included in this letter. I hope you will try to spread the word to all local groups and investigate the abortionists and their compliance with all laws. If you find a violation, let us know. My friends, we also need your financial help. The burden of proof is now on NARAL but we must initiate all legal action and that costs money. Attorneys don't come cheap, but when they are able to send the message to NARAL and all the abortionists to quit harassing the pro-lifers of this country, then it is worth the effort. If NARAL finds itself answering all sorts of charges then they might give some thought to dropping their strategy of tying-up the pro-life movement in the courts!

We have a case, we can win! We will win! All we need is your help and we need it now. We are doing something for all pro-life groups in America. Please respond generously today. We have enclosed a postage-paid envelope for your convenience.

God is Life, Love Life,

691910100100



Paul A Brown  
Director  
LAPAC, INC.

P.S. Your postage-paid reply envelope and contribution form are attached to the enclosed brochure.





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 5, 1979

Memo to the File :

From James Shutack :

This is to certify that i did mail a letter without  
making the necessary copy for the Permanent File.

The letter was mailed to : Gail M. Harmon

1725 "I"Street N. W.

Washington D.C 20006

The letter was mailed on 12-5-79. It contained a  
notification of receipt of complaint, MUR 1096

691269

TO/DATE 12/3/79  
GCH  
11779

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**SHELDON, HARMON & WEISS**

1725 I STREET, N. W.  
SUITE 506

WASHINGTON, D. C. 20006

NOV 30 AM 11 59 '79

TELEPHONE  
(202) 833-9070

KARIN P SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S JORDAN, III  
ANNE LUZZATTO

November 28, 1979

Charles N. Steele, Esquire  
Acting General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

79 NOV 30 AM 11:33  
00518

RECEIVED  
OFFICE OF THE  
GENERAL COUNSEL

RE: Life Amendment Political Action Committee

Dear Mr. Steele:

Enclosed is another direct mail fundraising appeal in which an anti-abortion group, this time LAPAC, characterizes your agency's investigations as "groundless" and "ridiculous."

We believe that this letter constitutes a de facto waiver of the confidentiality provisions of the Federal Election Campaign Act and request that you promptly share with us the results of your investigations.

LAPAC has at least a limited First Amendment right to take pot shots at the FEC and use this for fundraising purposes. The FEC, however, does not need to sit idly by: it could declare confidentiality waived immediately or it could inform LAPAC that confidentiality will be deemed waived unless it ceases injudicious public comment on the FEC investigation.

LAPAC uses the letter to announce a campaign to harass the pro-choice movement so that it will stop reporting illegalities of the anti-abortion movement. For your information I am enclosing the correspondence related to the question of lobbying reports. Clearly in this instance LAPAC's attorneys did not bother to verify the most elementary facts. I trust that they will act more responsibly when filing complaints with the FEC.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge. This complaint was not filed on behalf of or at the request or suggestion of any candidate.

Sincerely,

*Gail M. Harmon*  
Gail M. Harmon

4921610400

SHELDON, HARMON & WEISS

Charles N. Steele, Esquire  
November 28, 1979  
Page 2

NOTARY:

Signed and subscribed before me  
this 29<sup>th</sup> day of November 1979.

Katherine Katsaros

Notary Commission Expires April 14, 1981

GMH/dmw  
Enclosures

40040191264

**LAPAC** INCORPORATED  
LIFE AMENDMENT POLITICAL ACTION COMMITTEE

IF THE NATIONAL ABORTION RIGHTS ACTION LEAGUE THINKS  
FOR ONE MINUTE THAT IT CAN HARASS THE PRO-LIFE MOVE-  
MENT WITH IMPUNITY, THEY HAVE ANOTHER THING COMING!!

Dear Friend of Life:

About six months ago the National Abortion Rights Action League (NARAL) filed charges against LAPAC and seven other pro-life organizations for election irregularities (their term) and other so-called abuses of the Federal Election Law. A year earlier they launched other charges through the Justice Department claiming "cover-up" by a pro-life group in their lobbying report.

Part of the anti-life strategy is to tie-up the pro-life movement in legalities and make us waste time and money defending ourselves against ridiculous charges. Even if the charges are groundless, we must still use an attorney to defend ourselves. This is costly, and worse yet, impossible for some local pro-life groups who can't afford a good attorney.

About a month ago our attorney turned in our most recent answer to the Federal Election Commission. This was in response to charges filed against us by NARAL. Over 500 pages of material had to be gathered and the time and expense in answering these charges is enormous. What are the local, city and state groups to do when charged by NARAL? Can they afford a good attorney? The answer to that is generally NO. We can't afford one either, but our only other alternative is to close-up shop and get out of the movement and that is precisely what NARAL wants.

It is now time for some pro-life group to put an end to this nonsense! It is time for some pro-life group to take the offensive! It is time to research NARAL and their reports and if possible, file some charges of our own!

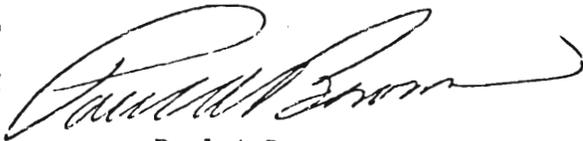
LAPAC is pleased to announce that we are doing just that. We have on retainer two attorneys who have filed charges against NARAL with the Justice Department, the clerks of the House and Senate, and the Federal Election Commission for various omissions from their lobbying and FEC reports. We have a good case, documented evidence and all material necessary to win our case. My friends, we are on the attack! Let's let the abortionists know what it is like. It is still a free country and we demand they comply with the law, just like everyone else.

(over, please)

A copy of a suppressed (what's new?) press release is included in this letter. I hope you will try to spread the word to all local groups and investigate the abortionists and their compliance with all laws. If you find a violation, let us know. My friends, we also need your financial help. The burden of proof is now on NARAL but we must initiate all legal action and that costs money. Attorneys don't come cheap, but when they are able to send the message to NARAL and all the abortionists to quit harassing the pro-lifers of this country, then it is worth the effort. If NARAL finds itself answering all sorts of charges then they might give some thought to dropping their strategy of tying-up the pro-life movement in the courts!

We have a case, we can win! We will win! All we need is your help and we need it now. We are doing something for all pro-life groups in America. Please respond generously today. We have enclosed a postage-paid envelope for your convenience.

God is Life, Love Life,



Paul A Brown  
Director  
LAPAC, INC.

P.S. Your postage-paid reply envelope and contribution form are attached to the enclosed brochure.

80047191263

SHELDON, HARMON & WEISS

1725 I STREET, N. W.

SUITE 506

WASHINGTON, D. C. 20006

TELEPHONE  
(202) 833-9070

KARIN P. SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
ANNE LUZZATTO

November 26, 1979

The Honorable Phillip B. Heymann  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

RE: National Abortion Rights Action League  
Lobbying Reports

Dear Mr. Heymann:

I am writing in response to a letter dated November 23, 1979 sent to you by Marion Edwyn Harrison of Barnett, Alagia & Carey relating to lobbying reports filed by National Abortion Rights Action League (NARAL).

Ms. Harrison objects to NARAL's temporary and fully-disclosed efforts to keep confidential the names of its large contributors. Ms. Harrison, however, neglected to check the current records or she would have noticed that the relevant information was filed by letter dated October 26, 1979 - almost a month before her letter to you.

I am sure that you do not wish to delve into the difficult First Amendment issues presented by a moot case. Briefly, because of repeated incidents of violence directed at abortion clinics, NARAL sought to protect its major contributors by keeping their names confidential. In doing so it relied on Supreme Court cases such as Louisiana v. NAACP and Talley v. California. When the clerk of the House informed NARAL that clinic violence did not, in his mind, indicate risks to contributors, NARAL promptly provided the names.

If you need any further information, please contact the undersigned.

Sincerely,

*Gail M. Harmon*  
Gail M. Harmon

GMH/daw  
Enclosures

cc: Marion Edwyn Harrison  
Paul Brown

00040191267

**BARNETT, ALAGIA & CAREY**

**NOV 26 REC'D**

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

TELEPHONE (202) 785-5572

CABLE ALL OFFICES ALBAR

**BARNETT & ALAGIA\***

KENTUCKY HOME LIFE BUILDING

BOX 1179

LOUISVILLE, KENTUCKY 40201

TELEPHONE (502) 585-4131

**BARNETT, ALAGIA & PROSPERI\*\***

249 ROYAL PALM WAY

PALM BEACH, FLORIDA 33480

TELEPHONE (305) 832-8894

D. PAUL ALAGIA, JR.  
WILLIAM A. CAREY  
ALLAN S. SOLOMON\*  
M. BROOKS SENN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERI\*\*  
ST. JOHN BARRETT  
CHARLES DAWSON BARNETT\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN S. KECK\*  
KARL F. LOUCKS II\*\*  
DONALD F. MINTMIRE  
JACK E. RUCK\*  
JOHN F. SHERLOCK III  
LEE C. SUMMERS\*  
MARY JO WINKLER\*

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN  
JOHN T. MILLER\*  
MICHAEL E. LANNON\*  
RICHARD A. GLADSTONE  
PATRICIA C. ANDERSON  
ANTHONY O. BROWN\*  
DARRYL W. DURHAM\*  
WM. CARL FUST\*  
GARY D. GARRISON\*  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
IVAN RICH\*

OF COUNSEL  
RUFUS E. WILSON

November 23, 1979

The Honorable Philip B. Heymann  
Assistant Attorney General  
Criminal Division  
Department of Justice  
Washington, D.C. 20530

Re: National Abortion Rights Action League-  
Report Pursuant to Federal Regulation of  
Lobbying Act for the First Quarter of 1979

Dear Mr. Heymann:

We represent Life Amendment Political Action Committee, Inc. ("LAPAC"). LAPAC invites to our attention unlawfully incomplete reporting by the National Abortion Rights Action League ("NARAL"). We enclose copies of the reports filed by NARAL pursuant to the Federal Regulation of Lobbying Act ("Lobbying Act") for the first and second quarters of 1979.

On page 3 of each Report, in lieu of providing the statutorily required listing of the names of persons who contributed over \$500.00 to NARAL during the respective quarters, NARAL submits the following statement:

80047191268

BARNETT, ALAGIA & CAREY

The Honorable Philip B. Heymann  
November 23, 1979  
Page two

"Under advice of counsel, we have omitted the identities of those persons who made substantial contributions to NARAL during the last quarter.

"Frequent acts of violence against clinics where legal abortions are performed, as well as systematic psychological harassment of many individuals exercising constitutionally guaranteed rights in expressing support of the pro-choice movement, necessitate this omission.

"While the government's interest in disclosure under these provisions of the Lobbying Act was, and is, in the political process, such interest cannot prevail if sustained by means which lead to the stifling of fundamental personal liberties. Louisiana v. NAACP [sic]<sup>1/</sup>, 357 U.S. 449.

"As has been recognized by the Supreme Court in Tally [sic] v. California, 362 U.S. 60, identity and the fear of continued reprisals might deter discussion; a matter of grave public concern where that discussion should be encouraged."

The Lobbying Act clearly requires that an organization which intends to influence legislation report the source of contributions in excess of \$500.00. 2 U.S.C. §§ 264 and 267. This provision is intended to provide Congress the information needed to assess the pressures of those "who for hire attempt to influence legislation or who collect or spend funds for that purpose." United States v. Harriss, 356 U.S. 612, 625, 98 L.Ed. 989, 1000 (1954).

---

<sup>1/</sup> Case name should properly be cited as NAACP v. Alabama.

80010191269

BARNETT, ALAGIA & CAREY

The Honorable Philip B. Heyman  
November 23, 1979  
Page three

The constitutionality of the Lobbying Act was upheld by the Supreme Court in Harriss. Id. In that case, Defendants argue that the Lobbying Act is unconstitutional because various provisions are "too vague and indefinite to meet the requirements of due process", "violate the First Amendment guarantees of freedom of speech, freedom of the press, and the right to petition the Government", and violate "the right of the people under the First Amendment to petition the Government". Id. at 617. The Supreme Court expressly holds that the statute does not infringe upon First Amendment rights.

8004919127  
In Buckley v. Valeo, 424 U.S. 29, 26 L.Ed.2d 694 (1978), the Supreme Court holds that compelled disclosure can "seriously infringe on privacy of association and belief." Buckley v. Valeo, supra, 424 U.S. at 64 and 46 L.Ed.2d at 713. Such compelled disclosure must be justified by something more than a "mere showing of some legitimate governmental interest." Id. The test this justification must survive is described as "exacting scrutiny". Id. The state is required to show a "relevant correlation" or a "substantial relation" between the governmental interest furthered and the information to be disclosed. Id. For purposes of applying this test, the Court in Buckley treats members of organizations and contributors to organizations interchangeably. Buckley, supra, 424 U.S. at 66, 46 L.Ed.2d 714. The Court goes on to find that the governmental interests served by the disclosure requirements of the Federal Election Campaign Act are sufficiently important to outweigh the possibility of infringement of a right to "privacy of association and belief", particularly when the free functioning of our national institutions is involved. Id., quoting Communist Party v. Subversive Activities Control Board, 367 U.S. 1, 97, 6 L.Ed.2d 625.

NARAL questions the constitutionality of the periodic reporting required by the Lobbying Act. Such compelled disclosure, under the precepts of Buckley, may "seriously infringe

BARNETT, ALAGIA & CAREY

The Honorable Philip B. Heymann  
November 23, 1979  
Page four

on privacy of association and belief." Buckley, supra, 424 U.S. at 64, 46 L.Ed.2d at 713. Therefore, the governmental interest served must be subjected to exacting scrutiny and there must be a relevant correlation or substantial relation between the interest served and the information to be disclosed.

Because Congress can only assess the pressure of those attempting to influence legislation through the expenditure of funds if it knows who those persons are, the compelled disclosure of the Lobbying Act is substantially related to the interest served. As in Buckley, the governmental interest in protecting the integrity of the political process is a substantial governmental interest. Buckley, supra, 424 U.S. at 66-67, 46 L.Ed. 2d at 714-15. Although some persons who might otherwise contribute to NARAL may be deterred because of the compelled disclosure and others who contribute may be exposed to harassment or retaliation, these burdens must be weighed against the interest which Congress sought to promote through the Lobbying Act. Buckley, supra, 424 U.S. at 68, 46 L.Ed.2d at 715. On this point, the Court in Buckley finds that "disclosure requirements . . . appear to be the least restrictive means of curbing the evils of campaign ignorance and corruption that Congress found to exist" and upholds the reporting required by the Federal Election Campaign Act. Buckley, supra, 424 U.S. at 68, 46 L.Ed.2d at 715-16. As in Buckley, we believe the Lobbying Act disclosure requirements, if attacked by NARAL as unconstitutional, would be upheld.

NARAL, in its reports, refers to NAACP v. Alabama 357 U.S. 449, 2 L.Ed.2d 1488 (1958), and Talley v. California, 362 U.S. 60, 4 L.Ed.2d 559 (1960). As we will show, neither these cases nor First National Bank of Boston v. Bellotti, 435 U.S. 765, 55 L.Ed.2d 707, rehearing denied 57 L.Ed.2d 1150 (1978), is dispositive of NARAL's contention that the disclosure required by the Lobbying Act is unconstitutional. Although any such compelled disclosure infringes upon a contributor's right to privacy of association and belief, the disclosure required by the Lobbying Act bears a substantial relationship to a compelling governmental interest and is therefore constitutional.

00040101271

The Honorable Philip B. Heymann  
November 23, 1979  
Page five

0004019127

NAACP v. Alabama involves an attempt by the State of Alabama to require the NAACP to submit a list of its members in connection with a hearing on the question of whether the NAACP must register to do business within the State of Alabama pursuant to Alabama Code 1940, Title 10, §§192-198. The NAACP withheld lists of its rank-and-file members because the release of such lists would infringe on its members' right to privacy of association and belief and would subject those members to economic and social reprisals. The Court holds that the right to privacy of association and belief is one guaranteed by the Fourteenth Amendment and that the action by the State of Alabama infringes upon this right. It further holds that such state action is subject to the "closest scrutiny", NAACP v. Alabama, supra, 357 U.S. at 461, 2 L.Ed.2d at 1499, and that the state interest must be "compelling", NAACP v. Alabama, supra, 2 L.Ed.2d at 1500. The State of Alabama had indicated that its exclusive reason for requesting the membership lists was "to determine whether petitioner was conducting intrastate business in violation of the Alabama foreign corporation registration statute" and "whether the extent of petitioner's activities without qualifying suggested its permanent ouster from the State." NAACP v. Alabama, supra, 357 U.S. at 464, 2 L.Ed.2d at 1501. The Court concludes that disclosure of the names of rank-and-file members had no bearing on these issues and that the state fails to show the "controlling justification" necessary to uphold state action infringing on one of the liberties guaranteed by the Fourteenth Amendment.

NAACP v. Alabama is relevant to a discussion of the constitutionality of the compelled disclosure required by the Lobbying Act only because it involves the right to privacy of association and belief and sets forth the test to be used in determining the constitutionality of statutes affecting that right. In our opinion, application of the tests enunciated in NAACP v. Alabama would compel a different result from that reached by the Court in that case. The governmental interests served by the Lobbying Act are compelling, the compelled disclosure bears a substantial relationship to the governmental interest served and the statute is closely drawn so as to avoid unnecessary abridgement of First Amendment rights. Accordingly, under the tenets of the Court in NAACP v. Alabama, the compelled disclosure requirements of the Lobbying Act are constitutional.

BARNETT, ALAGIA & CAREY

The Honorable Philip B. Heymann  
November 23, 1979  
Page six

50040191273

In Talley v. California, the Supreme Court examines the constitutionality of the requirement in §28.06 of the Municipal Code of the City of Los Angeles that handbills distributed within the City contain the name and address of persons who print, compile, manufacture or distribute the handbills. The City intended the ordinance to provide "a way to identify those responsible for fraud, false advertising and libel." Talley v. California, supra, 362 U.S. at 64, 4 L.Ed. 2d at 562. Defendants argue that such a requirement interferes with their freedom of speech and press in violation of the Fourteenth and First Amendments. The Supreme Court holds that the governmental interest is not sufficiently compelling to justify this interference with Fourteenth Amendment rights, particularly in view of the historical significance of anonymously published literature in America.

As with NAACP v. Alabama, we do not believe that the Court's decision in Talley v. California suggests the conclusion that the compelled disclosure requirements of the Lobbying Act are unconstitutional. The City of Los Angeles' interest in identifying those responsible for fraud, false advertising and libel is not as compelling as the governmental interest of providing Congress the information needed to assess the pressures of those "who for hire attempt to influence legislation or who collect or spend funds for that purpose." Harriss, supra, 256 U.S. at 625, 98 L.Ed. at 1000. Because of the importance of the governmental interest furthered in the Lobbying Act, we believe that Act would withstand NARAL's attack of its constitutionality.

The Supreme Court, in yet another case involving similar issues, finds a Massachusetts statute forbidding banks and business corporations from spending corporate funds for the purpose of influencing the vote on referendum proposals to be unconstitutional. First National Bank of Boston v. Bellotti, 435 U.S. 765, 55 L.Ed.2d 707, rehearing denied 57 L.Ed.2d 1150 (1978). The Court finds the state interest furthered by the statute to be inadequate to justify "limiting the stock of information from which members of the public may draw." Bellotti, supra, 435 U.S. at 783, 55 L.Ed.2d at 722. The State of Massachusetts articulated two interests served by this legislation---

"The first, the State's interest in sustaining the active role of the individual citizen in the electoral

The Honorable Philip B. Heymann  
November 23, 1979  
Page seven

process and thereby preventing . . . diminution of the citizen's confidence in government. The second is the interest in protecting the rights of shareholders whose views differ from those expressed by management on behalf of the corporation."

Bellotti, supra, 435 U.S. at 787, 55 L.Ed.2d at 725. The Court finds that the statute interferes with the corporation's freedom of speech and applies the following test---

"Where, as here, a prohibition is directed at speech itself, and the speech is intimately related to the process of governing, 'the State may prevail only upon showing a subordinating interest which is compelling' . . . and the burden is on the government to show the existence of such an interest.' Even then, the State must employ means 'closely drawn to avoid . . . unnecessary abridgement . . . .'"

Bellotti, supra, 435 U.S. at 786, 55 L.Ed.2d at 724. The Court goes on to find that the state interest is not sufficiently compelling to justify the interference with the corporation's freedom of speech and that the means for achieving the state's interest are not closely enough related to the interest so as to avoid unnecessary abridgement of the freedom of speech.

Because Bellotti involves a prohibition directed at speech itself, application of the test enunciated in the decision to a disclosure statute is of questionable propriety. Even assuming applicability of the test, the governmental interest articulated in Bellotti is less compelling than that supporting the Lobbying Act and the statute in Bellotti is less closely drawn than is the Lobbying Act. The Bellotti decision is accordingly not dispositive of the question before us.

As stated before, we believe the compelled disclosure of the Lobbying Act is constitutional under the rules set forth by the Supreme Court in Harriss and Buckley.

0047191274

**BARNETT, ALAGIA & CAREY**

The Honorable Philip B. Heymann  
November 23, 1979  
Page eight

Until the Lobbying Act is repealed or amended, it is inappropriate for any organization to assume that it is above a law which others must follow. Accordingly, if NARAL's voluntary compliance cannot be obtained, we request that the appropriate persons be prosecuted under 2 U.S.C. §269 for willful violation of the Lobbying Act.

Because of our interest in assuring that federal laws are equally applied, we would appreciate a report on your enforcement effort.

Sincerely,



MARION EDWYN HARRISON

MEH:plv

cc: The Honorable Edmund Henshaw  
The Honorable J.S. Kimmitt  
Life Amendment Political Action Committee, Inc.  
Gail M. Harmon, Esquire

00040191275

8 0 0 4 0 1 9 1 2 7 6

RECEIVED  
FEDERAL ELECTION  
COMMISSION

70 NOV 30 AM 11 33

SHELDON, HARMON, ROISMAN & WEISS

1325 K STREET, N.W.

WASH. D.C.

WASHINGTON, D.C. 20006

**TO:** Charles N. Steel, Esquire  
Acting General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

**SHELDON, HARMON & WEISS**

1725 I STREET, N. W.

SUITE 506

WASHINGTON, D. C. 20006

RECEIVED  
FEDERAL ELECTION  
COMMISSION

600-905237

TELEPHONE  
202-633-9070

79 DEC 3

PM 12:36

11801

KARIN P SHELDON  
GAIL M. HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
ANNE LUZZATTO

November 28, 1979

Charles N. Steele, Esquire  
Acting General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

905231

RE: Life Amendment Political Action Committee

Dear Mr. Steele:

Enclosed is another direct mail fundraising appeal in which an anti-abortion group, this time LAPAC, characterizes your agency's investigations as "groundless" and "ridiculous."

We believe that this letter constitutes a de facto waiver of the confidentiality provisions of the Federal Election Campaign Act and request that you promptly share with us the results of your investigations.

LAPAC has at least a limited First Amendment right to take pot shots at the FEC and use this for fundraising purposes. The FEC, however, does not need to sit idly by: it could declare confidentiality waived immediately or it could inform LAPAC that confidentiality will be deemed waived unless it ceases injudicious public comment on the FEC investigation.

LAPAC uses the letter to announce a campaign to harass the pro-choice movement so that it will stop reporting illegalities of the anti-abortion movement. For your information I am enclosing the correspondence related to the question of lobbying reports. Clearly in this instance LAPAC's attorneys did not bother to verify the most elementary facts. I trust that they will act more responsibly when filing complaints with the FEC.

I have prepared this complaint and believe that it is true and correct to the best of my knowledge. This complaint was not filed on behalf of or at the request or suggestion of any candidate.

Sincerely,

*Gail M. Harmon*  
Gail M. Harmon

65:1 d P 0306

1979

60040191277



IF THE NATIONAL ABORTION RIGHTS ACTION LEAGUE THINKS FOR ONE MINUTE THAT IT CAN HARASS THE PRO-LIFE MOVEMENT WITH IMPUNITY, THEY HAVE ANOTHER THING COMING!!

Dear Friend of Life:

About six months ago the National Abortion Rights Action League (NARAL) filed charges against LAPAC and seven other pro-life organizations for election irregularities (their term) and other so-called abuses of the Federal Election Law. A year earlier they launched other charges through the Justice Department claiming "cover-up" by a pro-life group in their lobbying report.

Part of the anti-life strategy is to tie-up the pro-life movement in legalities and make us waste time and money defending ourselves against ridiculous charges. Even if the charges are groundless, we must still use an attorney to defend ourselves. This is costly, and worse yet, impossible for some local pro-life groups who can't afford a good attorney.

About a month ago our attorney turned in our most recent answer to the Federal Election Commission. This was in response to charges filed against us by NARAL. Over 500 pages of material had to be gathered and the time and expense in answering these charges is enormous. What are the local, city and state groups to do when charged by NARAL? Can they afford a good attorney? The answer to that is generally NO. We can't afford one either, but our only other alternative is to close-up shop and get out of the movement and that is precisely what NARAL wants.

It is now time for some pro-life group to put an end to this nonsense! It is time for some pro-life group to take the offensive! It is time to research NARAL and their reports and if possible, file some charges of our own!

LAPAC is pleased to announce that we are doing just that. We have on retainer two attorneys who have filed charges against NARAL with the Justice Department, the clerks of the House and Senate, and the Federal Election Commission for various omissions from their lobbying and FEC reports. We have a good case, documented evidence and all material necessary to win our case. My friends, we are on the attack! Let's let the abortionists know what it is like. It is still a free country and we demand they comply with the law, just like everyone else.

(over, please)

APAC is a 501(c)(3) non-profit organization. For more information, contact: APAC, P.O. Box 14263, Washington, D.C. 20044

0004019127

A copy of a suppressed (what's new?) press release is included in this letter. I hope you will try to spread the word to all local groups and investigate the abortionists and their compliance with all laws. If you find a violation, let us know. My friends, we also need your financial help. The burden of proof is now on NARAL but we must initiate all legal action and that costs money. Attorneys don't come cheap, but when they are able to send the message to NARAL and all the abortionists to quit harassing the pro-lifers of this country, then it is worth the effort. If NARAL finds itself answering all sorts of charges then they might give some thought to dropping their strategy of tying-up the pro-life movement in the courts!

We have a case, we can win! We will win! All we need is your help and we need it now. We are doing something for all pro-life groups in America. Please respond generously today. We have enclosed a postage-paid envelope for your convenience.

God is Life, Love Life,

80040191287  


Paul A Brown  
Director  
LAPAC, INC.

P.S. Your postage-paid reply envelope and contribution form are attached to the enclosed brochure.





FEDERAL ELECTION COMMISSION

1325 K STREET NW  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1096

Date Filmed 5/30/80 Camera No. --- 2

Cameraman SPC

00040191282



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC FILE OF CLOSED MUR 1096

30043123605



RECEIVED

600# 1705

'80 JUN 18 AM 9:07

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA\*

KENTUCKY HOME LIFE BUILDING  
BOX 1179  
LOUISVILLE, KENTUCKY 40201  
(502) 585-4131

BARNETT, ALAGIA & PROSPERII\*\*

249 ROYAL PALM WAY  
PALM BEACH, FLORIDA 33480  
(305) 832-5696

BARNETT, ALAGIA & YESSIN\*\*\*

P.O. DRAWER B  
FRANKFORT, KENTUCKY 40601  
(502) 221-7326

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERII\*\*  
JAMES L. COORSSEN\*  
PATRICIA C. ANDERSON  
STEVEN G. BOLTON\*\*\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
DONALD F. MINTMIRE  
JEFFREY B. RITTER\*

OF COUNSEL  
RUFUS E. WILSON

D. PAUL ALAGIA, JR.  
WILLIAM A. CAREY  
ALLAN B. SOLOMON\*  
RUDY YESSIN\*\*\*  
MICHAEL E. LANNON\*  
ST. JOHN BARRETT  
RICHARD A. GLADSTONE  
CHARLES DAWSON BARNETT\*  
GREGORY B. DICKENSON\*\*  
DARRYL W. DURHAM\*  
WM. CARL FUST\*  
GARY D. GARRISON\*  
JOSEPH L. HAMILTON\*  
JOHN S. KECK\*  
JOHN B. LYNN  
HUGH McMILLAN, JR.\*\*  
IVAN R. RICH, JR.\*  
JACK E. RUCK\*  
JOHN F. SHERLOCK III  
MARIE C. SINKLER\*

June 11, 1980

Charles N. Steele, Esquire  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

008516

Re: NARAL v. LAPAC, Inc.  
MUR #1096

Dear Mr. Steele:

Thank you for your letter of May 2, received May 5.

Your letter begins by saying that "On December 5, 1979, the [Federal Election] Commission notified [us] . . ."

This statement is in error. The Federal Election Commission wrote us no letter dated December 5, 1979. As a matter of fact the first we or our client, Life Amendment Political Action Committee, Inc., ("LAPAC") knew that National Abortion Rights Action League ("NARAL") had filed yet another complaint against LAPAC, this one denominated MUR #1096, was on May 5, when we received your May 2 letter.

We forthwith requested the file; were told the file had been sent to microfilm; and finally on June 9 received the file. The file, of course, contains no December 5, 1979 letter.

25:019 81 NARAL

30040103606

RECEIVED

BARNETT, ALAGIA & CAREY

'80 JUN 18 AM 9:07

Charles N. Steele, Esquire  
June 11, 1980  
Page two

The November 30, 1979 letter which is in the file is a communication from us to Ms. Harmon. It is not addressed to the Federal Election Commission. At the time we wrote it we did not know NARAL had filed yet another groundless complaint against LAPAC. Evidently Ms. Harmon sent our letter to the Federal Election Commission. Be that as it may, our letter could not have referred to MUR #1096 because we did not know MUR #1096 existed.

However, the statement in our November 30 letter to Ms. Harmon is accurate. Our client LAPAC routinely waives, and has waived, confidentiality as to each and all of the spurious complaints filed by NARAL against LAPAC. Our client similarly waives confidentiality as to MUR #1096 and requests that the file be spread upon the public record. 2 USC §437g(a)(3)(B).

Our client will continue to request that all NARAL complaints against our client be available to the public as long as the NARAL harassment continues.

We should appreciate being notified if and when NARAL files a further complaint against LAPAC. Meantime, we appreciate the wisdom of the Federal Election Commission in dismissing NARAL's complaint denominated #1096.

Sincerely,



MARION EDWYN HARRISON

MEH:kg  
cc R. Lee Andersen, Esquire  
Ms. Gail M. Harmon  
Life Amendment Political Action Committee, Inc.  
Commissioners, Federal Election Commission

9004113377

0004012360

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006



FOR USE

ZIP CODE

Charles N. Steele, Esquire  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

JUN 19 AM 9 1987

RECEIVED

RECEIVED  
GCC#1645  
'80 JUN 13 PM 12:47

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

(202) 785-5572

CABLE ALL OFFICES ALBAR

BARNETT & ALAGIA\*  
KENTUCKY HOME LIFE BUILDING  
BOX 1179  
LOUISVILLE, KENTUCKY 40201  
(502) 585-4131

BARNETT, ALAGIA & PROSPERI\*\*  
249 ROYAL PALM WAY  
PALM BEACH, FLORIDA 33480  
(305) 832-5696

BARNETT, ALAGIA & YESSIN\*\*\*  
P.O. DRAWER B  
FRANKFORT, KENTUCKY 40601  
(502) 227-7326

BERNARD H. BARNETT  
MARION EDWYN HARRISON  
RICHARD M. TRAUTWEIN\*  
JOSEPH M. DAY\*  
A. PAUL PROSPERI\*\*  
JAMES L. COORSSEN\*  
PATRICIA C. ANDERSON  
STEVEN G. BOLTON\*\*\*  
FRANKLIN DRAKE\*  
JOHN E. EVANS\*  
RONALD L. GAFFNEY\*  
WILLIAM S. GLADING  
JOHN M. HIMMELBERG  
W. DAVID KISER\*  
MARY CHERYL MATHEIS  
DONALD F. MINTMIRE  
JEFFREY B. RITTER\*

OF COUNSEL  
RUFUS WILSON

June 11, 1980

JUN 13 P 3: 23  
GAL...  
RECEIVED

508400

Charles N. Steele, Esquire  
General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463

Re: NARAL v. LAPAC, Inc.  
MUR #1096

Dear Mr. Steele:

Thank you for your letter of May 2, received May 5.

Your letter begins by saying that "On December 5, 1979, the [Federal Election] Commission notified [us] . . ."

This statement is in error. The Federal Election Commission wrote us no letter dated December 5, 1979. As a matter of fact the first we or our client, Life Amendment Political Action Committee, Inc., ("LAPAC") knew that National Abortion Rights Action League ("NARAL") had filed yet another complaint against LAPAC, this one denominated MUR #1096, was on May 5, when we received your May 2 letter.

We forthwith requested the file; were told the file had been sent to microfilm; and finally on June 9 received the file. The file, of course, contains no December 5, 1979 letter.

30041173603

BARNETT, ALAGIA & CAREY

Charles N. Steele, Esquire  
June 11, 1980  
Page two

The November 30, 1979 letter which is in the file is a communication from us to Ms. Harmon. It is not addressed to the Federal Election Commission. At the time we wrote it we did not know NARAL had filed yet another groundless complaint against LAPAC. Evidently Ms. Harmon sent our letter to the Federal Election Commission. Be that as it may, our letter could not have referred to MUR #1096 because we did not know MUR #1096 existed.

However, the statement in our November 30 letter to Ms. Harmon is accurate. Our client LAPAC routinely waives, and has waived, confidentiality as to each and all of the spurious complaints filed by NARAL against LAPAC. Our client similarly waives confidentiality as to MUR #1096 and requests that the file be spread upon the public record. 2 USC §437g(a)(3)(B).

Our client will continue to request that all NARAL complaints against our client be available to the public as long as the NARAL harassment continues.

We should appreciate being notified if and when NARAL files a further complaint against LAPAC. Meantime, we appreciate the wisdom of the Federal Election Commission in dismissing NARAL's complaint denominated #1096.

Sincerely,



MARION EDWYN HARRISON

MEH:kg

cc R. Lee Andersen, Esquire  
Ms. Gail M. Harmon  
Life Amendment Political Action Committee, Inc.  
Commissioners, Federal Election Commission

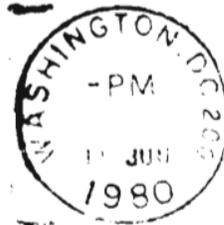
30041123610

1 1 9 6 1 1 4 0 0

**BARNETT, ALAGIA & CAREY**

1627 K STREET, N.W.

WASHINGTON, D.C. 20006



R. Lee Andersen, Esquire  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.  
WASHINGTON, D.C. 20463

00040173612

END OF ADDITIONAL MATERIAL FOR CLOSED MUR 1096

