FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1160

Date Filmed May 29, 1981 Camera No. --- 2

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MOR 1160

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PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED 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:
James P. Finnegan

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	51L646	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent
Mary Schallom

4. DATE OF DELIVERY
4-28-81

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1160 Andrea

GPO : 1979-[illegible]

8 1 0 4 0 2 5 2 4 5 5

PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED 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.)
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   - ☐ 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:
John T Donnelly

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	949713	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

4. [signature]
DATE OF DELIVERY

POSTMARK

5. ADDRESS (Complete only if requested)

APR 23 1981

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1160 Anderse

☆GPO : 1979-[illegible]

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PS Form 3811, Jan. 1979

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3.
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1. The following service is requested (check one.)
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   - ☐ 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:

Jail Harmon

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	912646	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐Addressee ☐Authorized agent

Lorena L. Charles

4. DATE OF DELIVERY

4-20-81

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

1160 anderson

GPO : [illegible]

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gail M. Harmon
SHELDON, HARMON & WEISS
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Re: MUR 1160

Dear Ms. Harmon:

This is in reference to the complaint you filed on February 12, 1980, concerning the Missouri Citizens for Life ("MCL") and the Lawyers for Life ("LFL").

Based upon your complaint, the Commission determined on June 19, 1980, that there was reason to believe that MCL and LFL violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation into this matter. After an investigation was conducted and the brief of the General Counsel was considered, the Commission on December 19, 1980, found probable cause to believe that respondents MCL and LFL had violated 2 U.S.C. § 441b by paying for an advertisement in the December 14, 1979, St. Louis Review made connection with a federal election. However, after considering the circumstances in this matter, the Commission has determined to take no further action and close the file. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

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

Sincerely,

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 5 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

On December 19, 1980, the Commission found probable cause to believe that your client, Missouri Citizens for Life had violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended, by paying for an advertisement made in connection with a federal election. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close the file. The file will be made part of the public record within 30 days. Should you wish to submit any materails to appear on the public record, please do so within 10 days.

The Commission reminds you that for a corporation to make expenditures in connection with a federal election is nevertheless a violation of 2 U.S.C. § 441b and you should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 5 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 16, 1981

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Donnelly
P.O. Drawer No. 1
St. Louis, Missouri 63188

Re: MUR 1160

Dear Mr. Donnelly:

On December 19, 1980, the Commission found probable cause to believe that your client, Lawyers for Life had violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended, by paying for an advertisement made in connection with a federal election. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close the file. The file will be made part of the public record within 30 days. Should you wish to submit any materails to appear on the public record, please do so within 10 days.

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Sincerely,

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 5 9

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1160
Missouri Citizens for Life	)	
and	)	
Lawyers for Life	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 13, 1981, the Commission decided by a vote of 6-0 to take the following action regarding MUR 1160:

1. Take no further action.
2. CLOSE THE FILE in this matter.

Attest:

4/13/81
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 4-9-81, 9:59
Circulated on 48 hour tally vote basis: 4-9-81, 4:00

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April 9, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1160

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis on PINK PAPER. Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

April 3, 1981

81 APR 9 A9:59

In the Matter of	)	
	)	
Missouri Citizens for Life	)	MUR 1160
and	)	
Lawyers for Life	)	

GENERAL COUNSEL'S REPORT

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I. Background

On December 19, 1981, the Federal Election Commission ("Commission") found probable cause to believe that Missouri Citizens for Life ("MCL") and Lawyers for Life ("LFL") violated 2 U.S.C. § 441b, by paying for certain political newspaper advertisements. On December 22, 1980, respondents received notice of the terms of conciliation proposed by the Commission. Subsequently we received one written response from LFL and had several telephone conversations with counsel for LFL, none of which have resulted in the Office of General Counsel being able to bring a conciliation agreement to the Commission for consideration.

II. Legal Analysis

Although there is ample evidence that the respondents participated in making payments for the newspaper advertisements attacking Senator Kennedy as alleged by complainant, the overall amount alleged to have been paid for the advertisement, apparently distributed among five different entities, was only $1,300. (The advertisement in question shows sponsorship by

by the Nurses for Life, Social Workers for Life and the National Youth For-Life Coalition in addition to MCL and LFL). While the additional sponsoring organizations were not included in the complaint as respondents, it seems likely that they contributed to the payments made for the newspaper advertisement. Assuming for purposes of discussion that each organization shared equally the cost of the advertisement, it is possible that LFK and MCL each paid about $260 for their share.) While a $260 expenditure may not be "de minimus", it does not seem to warrant the initiation of litigation measures when other matters involving the same legal issues, but presenting facts more favorable to the Commission, have been approved by the Commission for litigation

III. Recommendation

The Office of General Counsel recommends that the Commission take no further action and close the file in this matter.

7 April 1981
Date

Charles N. Steele
General Counsel

Attachment

Letters to respondents and complainant

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Donnelly
P.O. Drawer No. 1
St. Louis, Missouri 63188

Re: MUR 1160

Dear Mr. Donnelly:

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Sincerely,

Attachment

8 1 0 4 0 2 5 2 4 6 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

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Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gail M. Harmon
SHELDON, HARMON & WEISS
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Re: MUR 1160

Dear Ms. Harmon:

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Based upon your complaint, the Commission determined on June 19, 1980, that there was reason to believe that MCL and LFL violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation into this matter. After an investigation was conducted and the brief of the General Counsel was considered, the Commission on December 19, 1980, found probable cause to believe that respondents MCL and LFL had violated 2 U.S.C. § 441b by paying for an advertisement in the December 14, 1979, St. Louis Review made connection with a federal election. However, after considering the circumstances in this matter, the Commission has determined to take no further action and close the file. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

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Sincerely,

9 1 0 4 0 2 5 2 4 6 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan, Jr.
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

Based on a complaint filed with the Commission on February 11, 1980, and information supplied by you the Commission determined on June 19, 1980, that there was reason to believe that your client, Lawyers for Life, violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

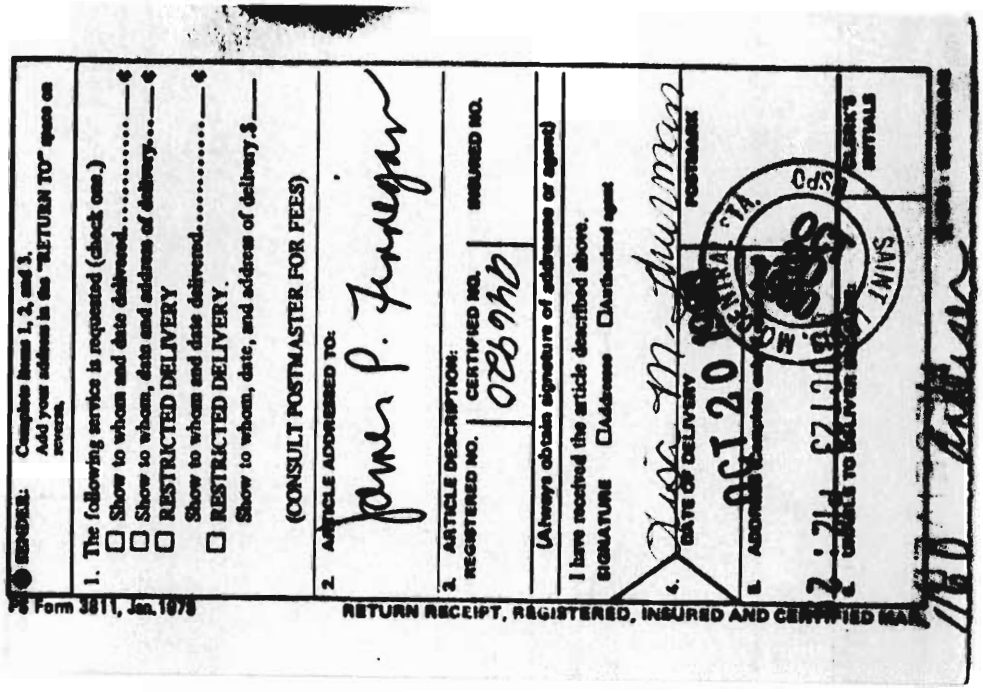
8 1 0 4 0 2 5 2 4 6 7

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact R. Lee Andersen, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1980

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RETURN RECEIPT REQUESTED

John J. Donnelly
P.O. Drawer No. 1
St. Louis, Missouri

Re: MUR 1160

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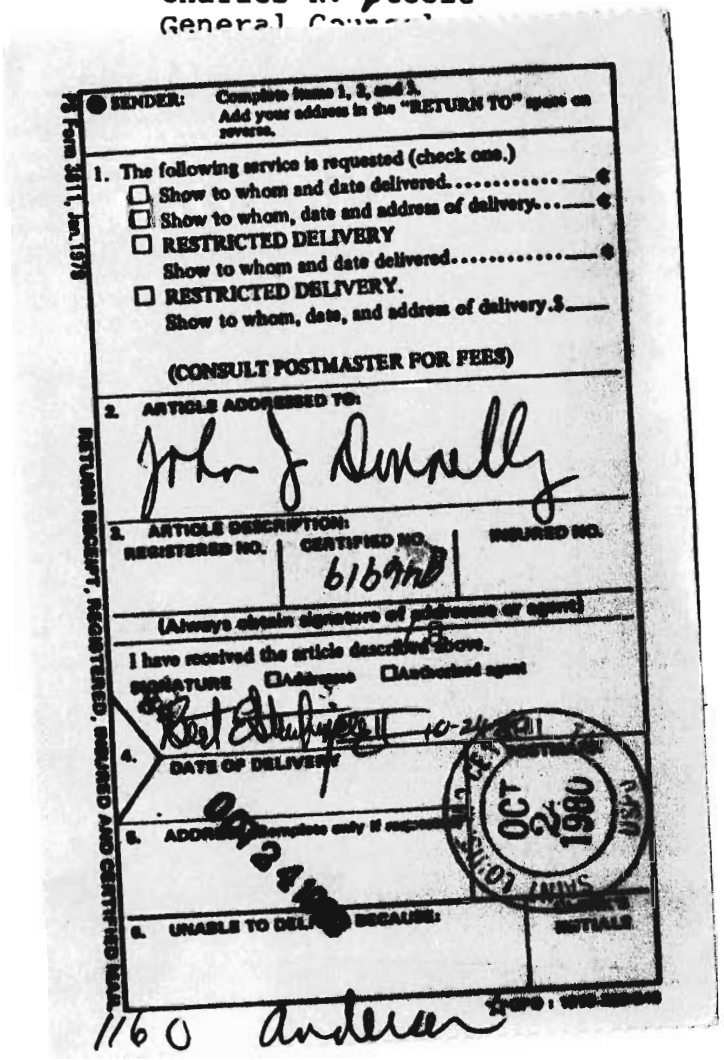
Sincerely,

Charles N. Steele
General Counsel


PS Form 3811, Jan. 1978

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.)
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  Show to whom and date delivered.....—¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery.$—

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John J Donnelly

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 616940 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐Addressee ☐Authorized agent

4. DATE OF DELIVERY 10-24-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: | INITIALS

OCT 24 1980

SAINT LOUIS, MO. CERT. OCT 2 1980 USPO

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1160 Andersen

8 1 0 1 0 2 5 1 4 7 0

October 14, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1160

Please have the attached Memo and brief distributed to the Commission on an informational basis. Thank you.

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

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MEMORANDUM TO : THE COMMISSION

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: OCTOBER 14, 1980

SUBJECT: MUR 1160 - General Counsel's Brief dated October 14, 1980

The attached documents are circulated for your information.

ATTACHMENTS:
1) Memo; 2) Brief; 3) Letter

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

80 OCT 14 P12: 46

October 14, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1160

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on October 14 1980. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments
1. Brief
2. Letter to Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

September 3, 1980

In the Matter of	)	
	)	
Missouri Citizens for Life,	)	MUR 1160
James P. Finnegan, and	)	
Lawyers for Life, John Donnelly	)	

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On February 12, 1980, the Federal Election Commission (the "Commission") received a signed and sworn complaint from Gail M. Harmon, on behalf of the National Abortion Rights Action League ("NARAL") alleging that the Missouri Citizens for Life ("MCL") and the Lawyers for Life ("LFL") violated 2 U.S.C. § 441b of the Federal Election Campaign Act, as amended, (the "Act") by causing to have printed in the St. Louis Review an advertisement paid for with the corporate funds of MCL and LFL. Respondents were notified of the complaint and provided with copies of it. By April 7, 1980, counsel for both respondents had submitted letters which sought to show why the Commission should dismiss the complaints against them. However, on June 19, 1980, the Commission found reason to believe that the respondents violated 2 U.S.C. § 441b(a) through their expenditures in connection with a federal election.

On June 25, 1980, the Commission sent letters to counsel informing them of the reason to believe findings. The letters advised respondents that unless additional information or further

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explanation were provided, the Commission might find probable cause to believe that violations of the Act were committed by the respondents which might lead to initiation of the formal conciliation process by the Commission. As of July 25, 1980, no further communication of any kind had been received by the Office of General Counsel. We therefore telephoned the respondents in an attempt to determine whether any additional communications would be forthcoming. Mr. Finnegan counsel for MCH, was reached but he stated that he would make no further response to the Commission regarding this matter. Mr. Donnelly, counsel for LFL, could not be reached, but his secretary indicated that she knew of no additional response being prepared for the Commission. Thus it appearing that no further response or information is likely to come to the Commission from the respondents, the Office of General Counsel is filing this brief.

II. Legal Analysis

2 U.S.C. § 441b(a) prohibits any corporation from making expenditures or contributions to any candidate or political committee. 2 U.S.C. § 441b(b)(2) defines contribution for the purpose of 2 U.S.C. § 441b to include any direct or indirect payment or distribution of anything of value to any candidate or candidate committee in connection with any federal election. (See e.g., Advisory Opinions 1980-19 and 1979-76).

NARAL in its complaint alleges that MCL and LFL are corporations. As evidence of this NARAL attached to the complaint copies

of certificates of corporate good standing showing that these organizations are registered as corporations with the state of Missouri. NARAL further alleges that a full page ad placed in the St. Louis Review by MCH and LFL on December 14, 1979, was an expenditure "in connection with an election" and thus prohibited by the Act. The first few lines of the advertisement read as follows:

> "U.S. Sen. Edward M. Kennedy wants to be President of the United States at any cost--including the cost of unborn ~~children~~/citizens. He wants to be president so bad he has compromised himself and his Senate office at the cost of human life."

This advertisement clearly attacking Senator Kennedy as a presidential candidate satisfies the statutory requirement of "expenditure in connection with any election" by discussing the issue of abortion in the context of Senator Kennedy's bid for the presidency. And, an attack upon one candidate is usually a thing of value to other opposing candidates. Therefore, unless taken out of the ambit of the statutory probibitions by other factors, the advertisement seems to meet the threshold of expenditure in connection with a federal election, thus rendering these expenditures in violation of 2 U.S.C. § 441b(a).

The nearly identical responses submitted to the Commission by the respondents seek to show why the complaint should be dismissed for several reasons all of which are without merit. First, respondents argue that the advertisement did not endorse Senator Kennedy or any other candidate and that the advertisement

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was not made for the purposes of influencing a federal election. Clearly, the full page advertisement was not an endorsement of Senator Kennedy, but as shown above, it was an attack on him in the context of his candidacy for the presidential nomination of his political party. Furthermore, 2 U.S.C. § 441b(a) prohibition requires only an "expenditure in connection with any (federal) election, not expenditure for the purpose of influencing an election. Compare 2 U.S.C. § 431(8)(a)(i). But even under the "purpose of" test, § 431(8)(A)(i), this communication would qualify as an expenditure. A full page advertisement attacking Senator Kennedy as a candidate for the presidential nomination, printed during the period of this campaign, must be inferred to have been made for the purpose of influencing an election.

Second, respondents argue the 2 U.S.C. § 441b(a) is inapplicable to their groups because their major purpose is not the election of candidates. MCL and LFL cite U.S. v. National Committee for Impeachment, 469 F. 2d 1135 (2d Cir. 1972) and American Civil Liberties Union v. Jennings, 336 F. Supp 1041 (D.D.C. 1973), to support their claim. However, the issue in this matter is not whether the expenditure was made by a political committee whose major purpose is to nominate or elect candidates, but rather whether these corporations, which are not registered with Commission as political committees, made expenditures in connection with a federal election.

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The final argument made by the respondents is that since the advertisement is not an example of "express advocacy", the recent case, Federal Election Commission v. Central Long Island Tax Reform Immediately, 614 F. 2d (2nd Cir. 1980), prohibits the Commission from taking jurisdiction over communications which merely analyze the voting records of candidates from a particular ideological viewpoint. However, the Act does not equate an expenditure in connection with an election, 2 U.S.C. § 441b(a), with express advocacy, 2 U.S.C. § 441d. Like the first two, this argument is also irrelevant to the question of whether the corporations made expenditures "in connection with any (federal) election". A Commission finding of probable cause that a violation of 2 U.S.C. § 441b(a) has been committed implies nothing more than that the respondents have made partisan, corporate expenditures related to a federal election. The anti-Kennedy advertisement purchased by MCL and LFL and others meet the test for application of this section of the Act.

Since the MCL and LFL responses do not deny paying for the advertisement in question and since they assert no circumstances which would bring any of the exclusions in 2 U.S.C. §§ 441b(b)(2)(A),(C) or 413(9)(B) into play, the Office of General Counsel recommends that the Commission find probable cause to believe that MCL and LFL have committed violations of 2 U.S.C. § 441b(a) by causing to have printed an advertisement in connection with a federal election in the St. Louise Review newspaper.

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III. General Counsel's Recommendation

Find probable cause to believe that Missouri Citizens for Life and Lawyers for Life have committed violations of 2 U.S.C. § 441b(a) by causing to have printed a newspaper advertisement in connection with a federal election.

10 October 1980
Date

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 7 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan, Jr.
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

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After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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Should you have any questions, please contact R. Lee Andersen, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

81040052481

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Donnelly
P.O. Drawer No. 1
St. Louis, Missouri

Re: MUR 1160

Dear Mr. Donnelly:

Based on a complaint filed with the Commission on February 11, 1980, and information supplied by you the Commission determined on June 19, 1980, that there was reason to believe that your client, Missouri Citizens for violated 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended.

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

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A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety days to settle this matter through a conciliation agreement. This does not preclude settlement of this matter through informal conciliation prior to a finding of probable cause to believe, if you so desire.

Should you have any questions, please contact R. Lee Andersen, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 8 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: AUGUST 19, 1980

SUBJECT: MUR 1160 - Interim Investigative Report #1, dated 8-6-80; Signed 8-7-80; Received in OCS 8-8-80, 11:53

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, August 11, 1980.

There were no objections to the Interim Investigative Report at the time of the deadline.

August 8, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: William T. Carr

SUBJECT: MUR 1168

Please have the attached Interim Invest Report distributed to the Commission. Thank you.

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

80 AUG 8 A11:50

August 6, 1980

In the Matter of	)	
	)	
Missouri Citizens for Life,	)	
James P. Finnegan	)	MUR 1160
	)	
Lawyers for Life,	)	
John Donnelly	)	

INTERIM INVESTIGATIVE REPORT #1

On June 19, 1980, the Commission found reason to believe that the above respondents committed violations of the Federal Election Campaign Act by using the corporate funds of the respondent organizations to make expenditures in connection with a federal election.

The respondents were notified of the Commission's action and given an opportunity to respond. Since no response has been forthcoming from these respondents, the Office of General Counsel has attempted to determine whether any response is to be expected. Telephonic communication with the respondents has resulted in no further information from Mr. Donnelly, who is on vacation, but Mr. Finnegan has indicated that he does not intend to make any further response to the Commission in regard to this matter. Under the circumstances it does not appear likely that the Commission will receive any additional information from these respondents. Therefore, we are in the process of preparing a General Counsel's Report for the Commission which we expect to submit within two weeks.

7 August 1980
Date

Charles N. Steele
General Counsel

8 1 0 4 0 2 5 2 4 8 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan, Jr.
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Missouri Citizens for Life ("MCL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on June 19, 1980, determined that there is reason to believe that MCL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 2, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against MCL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

8 1 0 1 0 5 2 1 8 7

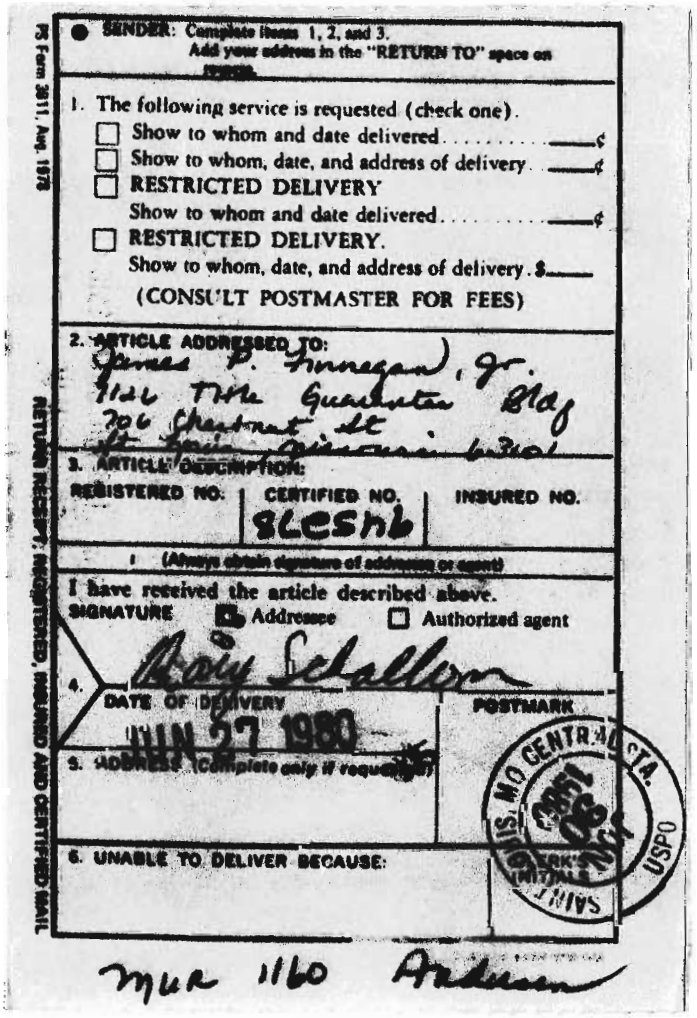
Letter to: James P. Finnegan, Jr.
Page Two

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman



PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED 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:
James P. Finnegan, Jr.
1126 Title Guarantee Bldg
706 Chestnut St
St Louis, Missouri 63101

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	8LESN6	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent

4. Mary Schallom

DATE OF DELIVERY	POSTMARK
JUN 27 1980	SAINT LOUIS, MO CENTRAL STA. 1980 USPO

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

MUR 1160 Andersen

8 1 0 4 0 2 5 2 4 0 9

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan, Jr.
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Missouri Citizens for Life ("MCL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 14, 1980, determined that there is reason to believe that MCL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 2, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against MCL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

8104025490

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 25, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Donnelly
P. O. Drawer No. 1
St. Louis, Missouri 63188

Re: MUR 1160

Dear Mr. Donnelly:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Lawyers for Life ("LFL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on June 19, 1980, determined that there is reason to believe that LFL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 4, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against LFL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

Max L. Friedersdorf

Max L. Friedersdorf
Chairman

8 1 0 4 0 2 5 2 4 9 2

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RKP

John J. Donnelly
P. O. Drawer No. 1
St. Louis, Missouri 63188

Re: MUR 1160

Dear Mr. Donnelly:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Lawyers for Life ("LFL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on ~~May~~ June 19, 1980, determined that there is reason to believe that LFL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 4, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against LFL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

10402524973

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Anderson, the attorney assigned to this matter at (202)523-5071.

Sincerely,

8 1 0 4 0 2 5 2 4 9 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1160
Missouri Citizens for Life	)	
James P. Finnegan	)	
Lawyers for Life	)	
John Donnelly	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 19, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1160:

1. Find REASON TO BELIEVE that Missouri Citizens for Life and Lawyers for Life have committed violations of 2 U.S.C. § 441b(a) by causing to have printed a newspaper advertisement in connection with a federal election.

2. Send the letters as attached to the First General Counsel's Report dated June 16, 1980.

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

Attest:

6/19/80
Date

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

Received in Office of the Commission Secretary: 6-16-80, 12:11
Circulated on 48 hour vote basis: 6-17-80, 11:00

8 1 0 1 0 2 5 2 1 9 5

June 16, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1160

Please have the attached First GC Report on MUR 1160 distributed to the Commission on a 48 hour tally basis. Thank you.

8104025524996

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 JUN 16 1980

MUR # 1160
DATE COMPLAINT RECEIVED BY OGC February 12, 1980

STAFF MEMBER
R. Lee Andersen

COMPLAINANT'S NAME: National Abortion Rights League
Gail Harmon

RESPONDENT'S NAME: Missouri Citizens for Life,
James P. Finnegan
Lawyers for Life, John Donnelly

RELEVANT STATUTE: 2 U.S.C. §§ 441b and 431

INTERNAL REPORTS CHECKED: C Index

FEDERAL AGENCIES CHECKED: None

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
80 JUN 16 P12: 11

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SUMMARY OF ALLEGATIONS

On February 12, 1980, the Federal Election Commission (the "Commission") received a signed and sworn complaint from Gail M. Harmon, on behalf of the National Abortion Rights Action League ("NARAL") alleging that the Missouri Citizens for Life ("MCL") and the Lawyers for Life ("LFL") violated 2 U.S.C. § 441b of the Federal Election Campaign Act, as amended, (the "Act") by causing to have printed in the St. Louis Review an advertisement paid for with the corporate funds of MCL and LFL. (The complaint is appended to this report as Exhibit 1).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441b(a) prohibits any corporation from making expenditures or contributions to any candidate or political committee. 2 U.S.C. § 441b(b)(2) defines contribution for the purpose of 2 U.S.C. §441b to include any direct or indirect payment or distribution of anything of value to any candidate or candidate committee in connection with any federal election. (See e.g., Advisory Opinions 1980-19 and 1979-76).

NARAL in its complaint alleges that MCL and LFL are corporations. As evidence of this NARAL attached to the complaint copies of certificates of corporate good standing showing that these organizations are registered as corporations with the state of Missouri (see Exhibit 1). NARAL further alleges that a full page ad placed in the St. Louis Review by MCH and LFL on December 14, 1979, was an expenditure "in connection with an election" and thus prohibited by the Act.

(A copy of the advertisement was attached to the complaint and is appended as Exhibit 1). The first few lines of the advertisement read as follows:

> "U.S. Sen. Edward M. Kennedy wants to be President of the United States at any cost--including the cost of unborn children citizens. He wants to be president so bad he has compromised himself and his Senate office at the cost of human life."

This advertisement clearly attacking Senator Kennedy as a presidential candidate appears to satisfy the statutory requirement of "expenditure in connection with any election" by discussing the issue of abortion in the context of Senator Kennedy's bid for the presidency. Therefore, unless taken out of the ambit of the statutory probibitions by other factors, the advertisement seems to meet the threshold of expenditure in connection with a federal election thus rendering this expenditure in violation of 2 U.S.C. § 441b(a).

In response, MCL and LFL submitted to the Commission nearly identical letters seeking to show why the complaints against them should be dismissed. (Copies of these responses are appended as Exhibit 2). The respondents argue: (1) that the advertisement did not endorse Senator Kennedy or any other candidate and that it was not for the purpose of influencing a federal election; (2) that the 2 U.S.C. § 441b prohibition is inapplicable to the groups because their major purpose is not the election of candidates 1/ and (3) that since the advertisement

---

1/ The MCL and LFL responses cite U.S. v. National Committee for Impeachment, 469 F. 2d 1135 (2d Cir. 1972) and ACLU v. Jennings, 336 F. Supp. 1041 (D.D.C. 1973) to support their claim that the Commission is without jurisdiction in this matter. However, the issue here is not whether the advertisement was made for the purpose of influencing an election by a political committee whose major purpose is to nominate or elect candidates, but rather whether these corporations, which are not registered with the Commission as political committees, made expenditures in connection with a federal election.

MCH and LFL also argue that Buckley v. Valeo, 519 F. 2d 821 (D.C. Cir. 1975) rendered both 2 U.S.C. §§ 431 and 437a of the Act unconstitutionally vague. However, that circuit court case was superseded by the 1976 United States Supreme Court decision in Buckley v. Valeo, 424 U.S. 1 (1976). Second, neither district court nor the Supreme court opinions cited by respondents can be used as authority for the Commission to find no reason to believe on the alleged violations of 2 U.S.C. § 441b(a). In fact, the Supreme Court has not yet addressed the 2 U.S.C. § 441b(a) definition of "expenditure" by a corporation in the context of candidate elections. However, the recent case of National Right to Work Committee v. Federal Election Commission __F. Supp. __(D.C.D.C., 1980), Civ. Action No. 77-125, April 24, 1980, approved of the general prohibition against corporate contributions and expenditures in connection with federal elections.

3 6 4 9 3

is not "express advocacy", the recently decided case of Federal Election Commission v. Central Long Island Tax Reform Immediately, DOCKET No. 79-3014, 614 F.2d (2nd Cir. February 5, 1980), prohibits the Commission from taking jurisdiction over communications which analyze the voting records of candidates from a particular ideological viewpoint. However, the Act does not equate an expenditure in connection with an election with endorsement of a candidate or an "express advocacy" communication. None of these objections to the Commission's going forward with this complaint are relevant to the question of whether the respondent corporations made expenditures "in connection with an election" which implies nothing more than that there were partisan corporate expenditures related to a federal election. The advertisement allegedly purchased by MCL and LFL meets this test for application of the Act.

Since the MCL and LFL responses do not deny paying for the advertisement in question and since they assert no circumstances which would bring any of the exclusions in 2 U.S.C. §§ 441b(b)(2)(A),(C) or 431(9)(B) into play, the Office of General Counsel recommends that the Commission find reason to believe that MCL and LFL have committed violations of 2 U.S.C. § 441b(a) by causing to have printed a newspaper advertisement in connection with a federal election in the St. Louis Review newspaper.

RECOMMENDATION

1. Find reason to believe that Missouri Citizens for Life and Lawyers for Life have committed violations of 2 U.S.C. § 441b(a) by causing to have printed a newspaper advertisement in connection with a federal election.

2. Send the attached letters.

Attachments

1. Complaint
2. Responses of MCL and LFL
3. Letters to respondents

370

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

RECEIVED FEDERAL ELECTION COMMISSION
1980 FEB 12 PM 12:17

February 11, 1980

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

Dear Ladies and Gentlemen:

On behalf of National Abortion Rights Action League I am filing the following complaint of corporate expenditures "in connection with" an election which accordingly violate the prohibitions of §441b.

Attached as Exhibit "A" is an advertizement which ran in the St. Louis Review on December 14, 1979. Representatives of the paper have told us that full page ads cost $1,300.

Attached as Exhibits "B" and "C" are Certificates of Corporate Good Standing issued by the Missouri Secretary of State regarding Lawyers for Life, Inc., and Missouri Citizens for Life.

Upon information and belief the "St. Louis Review" is owned by and/or published by the Archdiocese of Missouri.

We respectfully request that you promptly investigate the facts surrounding this ad. If, as it states, it was "paid for by" Lawyers for Life and Missouri Citizens for Life, then it constitutes an illegal corporate expenditure in connection with a federal election. 2 USC 441b. If the space was donated by the Archdiocese or the newspaper, it may similarly be a prohibited corporate expenditure.

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

GMH/dds

cc: FEC Commissioners
Karen Mulhauser

Exhibit 1.

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SHELDON, HARMON & WEISS

Federal Election Commission
February 11, 1980
Page 2

11th

Subscribed and Sworn to before me this 11th day of February 1980.

February

Dianne M. Washington

My Commission [illegible] 14, 1984

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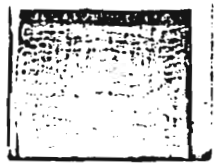
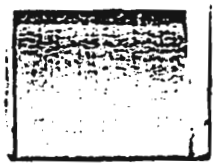
14 FEB 12:17





RECEIVED FEB 6 1980

RECEIVED JAN 2 1980

from: J. Widdicombe
Reproductive Health Services
Suite 203 - 730 North Euclid
St Louis, Missouri 63108

NARAL "A"

POLITICAL ADVERTISEMENT POLITICAL ADVERTISEMENT POLITICAL ADVERTISEMENT

A VOTE FOR KENNEDY IS A VOTE FOR ABORTION

SEN. EDWARD M. KENNEDY — A NEW EPITOME OF BLIND AMBITION

U.S. Sen. Edward M. Kennedy wants to be President of the United States — at any cost — including the cost of unborn ~~citizens~~ children.

He wants to be President so bad he has compromised himself and his Senate office at the cost of human life.

Pope John Paul II, on his recent visit to the United States, spoke on the Sanctity of Human Life.

The Pope said:

"When the sacredness of life before birth is attacked, we will stand up and proclaim that no one ever has the authority to destroy unborn life."

Kennedy stood up alright — for abortion — and he wants you, the taxpayer to subsidize this.

Kennedy has had more than two dozen chances since 1973 to vote against abortion.

1974

• Kennedy voted to table an amendment that would have denied funding of abortions for military personnel. Kennedy's and 63 other Senate votes helped the continuance of military abortions (Until 1978).

• Kennedy voted to table an amendment to a House bill that would prohibit Labor-HEW funds to pay for or encourage abortions. Despite his efforts, federal funding of abortions was legislatively restricted when the Senate later voted to support the anti-abortion amendment.

1975

• Kennedy voted against a Bartlett amendment to prohibit Social Security Act funds "to pay for or encourage the performance of abortions except such abortions as are necessary to save the life of a mother."

1976

• Kennedy voted twice against the Hyde amendment (strict, acceptable anti-abortion language) regarding Labor-HEW appropriations. He voted first for deleting from the appropriations bill the amendment, and two months later voted against the amendment during another Senate debate.

1977

• Kennedy voted consistently for loose language supporting tax-financed abortions. He voted for funding of ambiguous "medically necessary" abortions and later twice voted against concurring with the strict House language.

• Kennedy voted to table an Eagleton amendment that would have provided a "conscience clause" for employers who did not wish to fund abortions for their employees.

1978

• Kennedy voted to strike an anti-abortion amendment that would prohibit the providing of abortion payments for Peace Corps workers.

• Kennedy again voted against strict anti-abortion language to Labor-HEW appropriations.

• Kennedy not only voted against the Helms amendment language to restrict federal funding of abortions, but he also voted against funding restrictions in the District of Columbia, the Department of Defense and the Peace Corps.

Within recent months Kennedy has sent a "Dear Friend" letter throughout the nation calling for the re-election of Iowa's incumbent Democratic Senator, John Culver.

Kennedy said Culver's election might be the nation's "second most important election." (After his, of course.)

Kennedy said, in that letter, that ". . . Culver's courage and competence will be needed to counter the efforts of the national right-to-life groups (underlining his) who have made John Culver one of their 'five top targets in 1980'."

Now he's coming to St. Louis to solicit yours and your children's votes.

In February, 1972, the bishops of Massachusetts issued a joint statement which said in part: "To all the citizens of Massachusetts we say that to remain passive on this issue is to afford silent cooperation in the movement of mass killing which is sweeping today's society to destruction. That is why we urge all citizens who demand legal protection for the human life of innocent unborn children to communicate their convictions to their legislators by letter or by telephone."

You can do something about it by writing or calling him at:

THINK ABOUT IT!

Senator Edward Kennedy
2241 Dirksen
Senate Office Building
Washington, D.C. 20510
202-224-4543

THIS ADVERTISEMENT PAID FOR BY:

Lawyers for Life, Missouri Citizens for Life, Nurses for Life, Social Workers for Life, National Youth Pro-Life Coalition

STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

CORPORATION DIVISION

Certificate of Corporate Good Standing

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that LAWYERS FOR LIFE, INC.

was incorporated under the laws of this State on the 21st *day of* May, 1974, *and is in good standing, having fully complied with all requirements of this Office,* as of December 31, 1979.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 9th day of January, Nineteen Hundred and Eighty.

James C. Kirkpatrick

SECRETARY OF STATE

CORP. 630

N00013334

STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

CORPORATION DIVISION

Certificate of Corporate Good Standing

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that MISSOURI CITIZENS FOR LIFE *was incorporated under the laws of this State on the* 11th *day of* June, 1974, *and is in good standing, having fully complied with all requirements of this Office.* as of December 31, 1979

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 9th day of January,

Nineteen Hundred and Eighty.

James C. Kirkpatrick

SECRETARY OF STATE

CORP. 638

James P. Finnegan, Jr.
ATTORNEY AT LAW
1126 TITLE GUARANTY BUILDING
706 CHESTNUT STREET
ST. LOUIS, MISSOURI 63101

TELEPHONE (314) 421-4444

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
80 APR 7 P10: 36

April 2, 1980

C073

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

Re: Missouri Citizens For Life
and MUR 1160

Dear Mr. Andersen:

This is to confirm that I represent the Missouri Citizens For Life, a Missouri Not For Profit Corporation in regard to the above-mentioned matter. This letter is in response to the letter dated February 14, 1980 from Mr. Charles N. Steele, your General Counsel, addressed to me as the Registered Agent for Missouri Citizens For Life.

I am writing to demonstrate that no action should be taken against Missouri Citizens For Life on the basis of the Complaint filed with the Federal Election Commission on February 12, 1980 by the National Abortion Rights Action League.

The alleged violation occurred when my client participated in the purchase of an advertisement in the St. Louis Review of December 14, 1979 describing the position of incumbent Senator and Presidential Candidate Edward M. Kennedy on the issue of abortion.

Missouri Citizens For Life is a state-wide organization whose primary purposes are educating the public concerning abortion and euthanasia and lobbying to enact pro-life legislation and a Human Life Amendment to the United States Constitution.

The advertisement in question contained no endorsement of Senator Kennedy nor of any other candidate and was not published with the knowledge and consent of any candidate. The advertisement only stated the voting record of Senator Kennedy thereby demonstrating his position on abortion which is an issue of national concern and of concern to Missouri Citizens For Life, and only requests the reader to write or call him concerning his position on abortion.

While the Complaint and the letter from Mr. Steele are not specific as to how the actions of my client violated the law, I will endeavor to demonstrate why my client did not violate the law.

First of all, 2 U.S.C.A. Sec. 431 has been interpreted in two cases. In each case, the court found that the phrase "made for the purpose of influencing" included only those expenditures made with

Exhibit 2.

the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate or his agents and that this section is only applicable to committees soliciting contributions or making expenditures, the major purpose of which is to nominate or elect candidates (ACLU vs. Jennings, 366 F. Supp. 1041 (D.D.C., 1973) and U.S. vs. National Committee for Impeachment, 469 F. 2d. 1135 (2nd Cir., 1972)). Since these expenditures were not made with the knowledge or consent of any candidate, and as the major purpose of my client is not the election of candidates, this section of the law does not apply to the advertisement in question.

Secondly, if 2 U.S.C.A. Sec. 431 would be interpreted as covering the activities of not-for-profit and non-partisan organizations dealing with national policy, such an interpretation would render the law unconstitutional. In Buckley v. Valeo, 519 F. 2d. 821 (D.C. Cir., 1975), the District of Columbia Circuit Court at pages 869-879 declared that 2 U.S.C.A. Sec. 437a of the Federal Election Campaign Act which required the reporting of expenditures by any person "to influence individuals to cast their votes for or against * * * candidates" to be vague and unconstitutional as a violation of the First Amendment to the United States Constitution.

Thirdly, there is a recent unanimous decision by the Second Circuit Court of Appeals which has reaffirmed the strict limitation placed by the Supreme Court on the sort of political communications subject to the Federal Election Campaign Act (FEC vs. CLITRIM No. 79-3014 (2nd Cir., 1979)). In this opinion signed by all 10 judges, the circuit court rejected the argument of the Federal Election Commission that the law encompasses communications which analyze the voting records according to a particular ideological viewpoint as "totally meritless". The court held that all communications which do not state explicitly that a particular candidate ought to be elected or defeated are exempt from the law due to the First Amendment to the United States Constitution. In construing 2 U.S.C.A. Secs. 434e and 441d, the circuit court relied on the Supreme Court decision of Buckley vs. Valeo, 424 U.S. 1 (1975).

Therefore, since the Federal Election Commission may not do indirectly what it may not do directly, 2 U.S.C.A. Sec. 431 does not apply to organizations such as Missouri Citizens For Life; and any attempt to apply the law to the facts of this case would be unconstitutional. Wherefore, my client believes the charges against it to be groundless and so should be dismissed.

Respectfully submitted,

James P. Finnegan, Jr.

JPF,Jr/mms

JCC 939 RECEIVED
80 APR 7 P1:53

JOHN J. DONNELLY
ATTORNEY AT LAW
P. O. DRAWER No. 1
ST. LOUIS, MO. 63188

TELEPHONE 621-1695

April 4, 1980

80 APR 7 P10:35
007329
RECEIVED
GENERAL COUNSEL

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

Re: Lawyers for Life, Inc.
MUR 1160

Dear Mr. Andersen:

This is to confirm that I present Lawyers for Life, Inc. in regard to the above. This letter is in response to the letter dated February 14, 1980 from Charles N. Steele, your General Counsel, addressed to me as Registered Agent for Lawyers for Life, Inc.

No action should be taken against Lawyers for Life, Inc. on the basis of the Complaint filed with the Federal Election Commission on February 12, 1980 by the National Abortion Rights Action League. The complaint alleges my client participated in the purchase of an advertisement in the St. Louis Review of December 14, 1979 describing the position of Presidential Candidate and Senator Edward M. Kennedy on the issue of abortion.

The advertisement in question contained no endorsement of Senator Kennedy nor of any other candidate and was not published with the knowledge and consent of any candidate. The advertisement only stated the voting record of Senator Kennedy thereby demonstrating his position on abortion, an issue of national concern and of particular concern to Lawyers for Life, Inc., and only requests the reader to write or call him concerning his position on abortion.

2 U.S.C.A. sec. 431 has been interpreted in two cases. In each case, the Court found that the phrase "made for the purpose of influencing" included only those expenditures made with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate or his agents and that this section is only applicable to committees soliciting contributions or making expenditures, the major purpose of which is to nominate or elect candidates (ACLU v. Jennings, 366 F. Supp. 1041 (D.D.C., 1973) and U.S. v. National Committee for Impeachment, 469 F. 2d 115 (2nd Cir., 1972)). Since these expenditures were not made with the knowledge or consent of

of any candidate, and as the major purpose of my client is not the election of candidates, this section of the law does not apply to the advertisement in question.

Secondly, if 2 U.S.C.A. Sec. 431 would be interpreted as covering the activities of not-for-profit and non-partisan organizations (such as Lawyers for Life, Inc.) dealing with national policy, such an interpretation would render the law unconstitutional. In Buckley v. Valeo, 519 F. 2d 821 (D.C. Cir., 1975), the District of Columbia Circuit Court at pages 869-879 declared that 2 U.S.C.A. Sec. 437a of the Federal Election Campaign Act which required the reporting of expenditures by any person 'to influence individuals to cast their votes for or against * * * candidates" to be vague and unconstitutional as a violation of the First Amendment to the United States Constitution.

Thirdly, there is a recent unanimous decision by the Second Circuit Court of Appeals which has reaffirmed the strict limitation placed by the Supreme Court on the sort of political communications subject to the Federal Election Campaign Act (FEC v. CLITRIM No. 79-3014 (2nd Circ., 1979)). In this opinion, the circuit court rejected the argument of the Federal Election Commission that the law encompasses communications which analyze the voting records according to a particular ideological viewpoint as "totally meritless". The court held that all communications which do not state explicitly that a particular candidate ought to be elected or defeated are exempt from the law due to the First Amendment to the United States Constitution. In construing 2 U.S.C.A. Secs. 434e and 441d, the circuit court relied on the Supreme Court decision of Buckley v. Valeo, 424 U.S. 1 (1975).

Therefore, since the Federal Election Commission may not do indirectly what it maynot do directly, 2 U.S.C.A. Sec. 431 does not apply to organizations such as Lawyers for Life, Inc; and any attempt to apply the law to the facts of this case would be unconstitutional. Wherefore, my client believes the charges against it to be groundless and therefore,should be dismissed.

Yours very truly,

JJD:dl

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John J. Donnelly
P. O. Drawer No. 1
St. Louis, Missouri 63188

Re: MUR 1160

Dear Mr. Donnelly:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Lawyers for Life ("LFL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May , 1980, determined that there is reason to believe that LFL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 4, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against LFL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

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This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

8 1 0 4 0 2 5 2 5 1 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Finnegan, Jr.
1126 Title Guarantee Building
706 Chestnut Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

The Federal Election Commission notified you on February 14, 1980, of a complaint which alleges that your organization, Missouri Citizens for Life ("MCL"), violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May , 1980, determined that there is reason to believe that MCL violated 2 U.S.C. § 441b(a). Specifically, it appears that the advertisement which your organization caused to be printed in the December 14, 1979, edition of the St. Louis Review constituted an expenditure in connection with a federal election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated April 2, 1980. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against MCL, the Commission may find probable cause to believe that a violation has occurred, and proceed with formal conciliation. Of course, this does not preclude the settlement of this matter through informal conciliation prior to a finding of probable cause to believe if you so desire.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact R. Lee Andersen, the attorney assigned to this matter at (202)523-5071.

Sincerely,

8 1 0 4 0 2 5 2 5 1 4

RECEIVED FEB 6 1980
RECEIVED JAN 2 1980

From: J. Widdicombe
Reproductive Health Services
Suite 203 — 100 North Euclid
St Louis, Missouri 63108

NARAL "A"

POLITICAL ADVERTISEMENT POLITICAL ADVERTISEMENT POLITICAL ADVERTISEMENT

A VOTE FOR KENNEDY IS A VOTE FOR ABORTION

SEN. EDWARD M. KENNEDY — A NEW EPITOME OF BLIND AMBITION

U.S. Sen. Edward M. Kennedy wants to be President of the United States — at any cost — including the cost of unborn ~~citizens~~ children.

He wants to be President so bad he has compromised himself and his Senate office at the cost of human life.

Pope John Paul II, on his recent visit to the United States, spoke on the Sanctity of Human Life.

The Pope said:

"When the sacredness of life before birth is attacked, we will stand up and proclaim that no one ever has the authority to destroy unborn life."

Kennedy stood up alright — for abortion — and he wants you, the taxpayer to subsidize this.

Kennedy has had more than two dozen chances since 1973 to vote against abortion.

Here's part of his sordid Senate voting record:

1974

• Kennedy voted to table an amendment that would have denied funding of abortions for military personnel. Kennedy's and 63 other Senate votes helped the continuance of military abortions (Until 1978).

• Kennedy voted to table an amendment to a House bill that would prohibit Labor-HEW funds to pay for or encourage abortions. Despite his efforts, federal funding of abortions was legislatively restricted when the Senate later voted to support the anti-abortion amendment.

1975

• Kennedy voted against a Bartlett amendment to prohibit Social Security Act funds "to pay for or encourage the performance of abortions except such abortions as are necessary to save the life of a mother."

1976

• Kennedy voted twice against the Hyde amendment (strict, acceptable anti-abortion language) regarding Labor-HEW appropriations. He voted first for deleting from the appropriations bill the amendment, and two months later voted against the amendment during another Senate debate.

1977

• Kennedy voted consistently for loose language supporting tax-financed abortions. He voted for funding of ambiguous "medically necessary" abortions and later twice voted against concurring with the strict House language.

• Kennedy voted to table an Eagleton amendment that would have provided a "conscience clause" for employers who did not wish to fund abortions for their employees.

1978

• Kennedy voted to strike an anti-abortion amendment that would prohibit the providing of abortion payments for Peace Corps workers.

• Kennedy again voted against strict anti-abortion language to Labor-HEW appropriations.

• Kennedy not only voted against the Helms amendment language to restrict federal funding of abortions, but he also voted against funding restrictions in the District of Columbia, the Department of Defense and the Peace Corps.

Within recent months Kennedy has sent a "Dear Friend" letter throughout the nation calling for the re-election of Iowa's incumbent Democratic Senator, John Culver.

Kennedy said Culver's election might be the nation's "second most important election." (After his, of course.)

Kennedy said, in that letter, that ". . . Culver's courage and competence will be needed to counter the efforts of the national right-to-life groups (underlining his) who have made John Culver one of their 'five top targets in 1980'."

Now he's coming to St. Louis to solicit yours and your children's votes.

In February, 1972, the bishops of Massachusetts issued a joint statement which said in part: "To all the citizens of Massachusetts we say that to remain passive on this issue is to afford silent cooperation in the movement of mass killing which is sweeping today's society to destruction. That is why we urge all citizens who demand legal protection for the human life of innocent unborn children to communicate their convictions to their legislators by letter or by telephone."

You can do something about it by writing or calling him at:

THINK ABOUT IT!

Senator Edward Kennedy
2241 Dirksen
Senate Office Building
Washington, D.C. 20510
202-224-4543

THIS ADVERTISEMENT PAID FOR BY:

Lawyers for Life, Missouri Citizens for Life, Nurses for Life, Social Workers for Life, National Youth Pro-Life Coalition

GCC 944

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

80 APR 7 P10: 36

James P. Finnegan, Jr.
ATTORNEY AT LAW
1126 TITLE GUARANTY BUILDING
706 CHESTNUT STREET
ST. LOUIS, MISSOURI 63101

TELEPHONE (314) 421-4444

April 2, 1980

907327

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

Re: Missouri Citizens For Life
and MUR 1160

Dear Mr. Andersen:

This is to confirm that I represent the Missouri Citizens For Life, a Missouri Not For Profit Corporation in regard to the above-mentioned matter. This letter is in response to the letter dated February 14, 1980 from Mr. Charles N. Steele, your General Counsel, addressed to me as the Registered Agent for Missouri Citizens For Life.

I am writing to demonstrate that no action should be taken against Missouri Citizens For Life on the basis of the Complaint filed with the Federal Election Commission on February 12, 1980 by the National Abortion Rights Action League.

The alleged violation occurred when my client participated in the purchase of an advertisement in the St. Louis Review of December 14, 1979 describing the position of incumbent Senator and Presidential Candidate Edward M. Kennedy on the issue of abortion.

Missouri Citizens For Life is a state-wide organization whose primary purposes are educating the public concerning abortion and euthanasia and lobbying to enact pro-life legislation and a Human Life Amendment to the United States Constitution.

The advertisement in question contained no endorsement of Senator Kennedy nor of any other candidate and was not published with the knowledge and consent of any candidate. The advertisement only stated the voting record of Senator Kennedy thereby demonstrating his position on abortion which is an issue of national concern and of concern to Missouri Citizens For Life, and only requests the reader to write or call him concerning his position on abortion.

While the Complaint and the letter from Mr. Steele are not specific as to how the actions of my client violated the law, I will endeavor to demonstrate why my client did not violate the law.

First of all, 2 U.S.C.A. Sec. 431 has been interpreted in two cases. In each case, the court found that the phrase "made for the purpose of influencing" included only those expenditures made with

the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate or his agents and that this section is only applicable to committees soliciting contributions or making expenditures, the major purpose of which is to nominate or elect candidates (ACLU vs. Jennings, 366 F. Supp. 1041 (D.D.C., 1973) and U.S. vs. National Committee for Impeachment, 469 F. 2d. 1135 (2nd Cir., 1972)). Since these expenditures were not made with the knowledge or consent of any candidate, and as the major purpose of my client is not the election of candidates, this section of the law does not apply to the advertisement in question.

Secondly, if 2 U.S.C.A. Sec. 431 would be interpreted as covering the activities of not-for-profit and non-partisan organizations dealing with national policy, such an interpretation would render the law unconstitutional. In Buckley v. Valeo, 519 F. 2d. 821 (D.C. Cir., 1975), the District of Columbia Circuit Court at pages 869-879 declared that 2 U.S.C.A. Sec. 437a of the Federal Election Campaign Act which required the reporting of expenditures by any person "to influence individuals to cast their votes for or against * * * candidates" to be vague and unconstitutional as a violation of the First Amendment to the United States Constitution.

Thirdly, there is a recent unanimous decision by the Second Circuit Court of Appeals which has reaffirmed the strict limitation placed by the Supreme Court on the sort of political communications subject to the Federal Election Campaign Act (FEC vs. CLITRIM No. 79-3014 (2nd Cir., 1979)). In this opinion signed by all 10 judges, the circuit court rejected the argument of the Federal Election Commission that the law encompasses communications which analyze the voting records according to a particular ideological viewpoint as "totally meritless". The court held that all communications which do not state explicitly that a particular candidate ought to be elected or defeated are exempt from the law due to the First Amendment to the United States Constitution. In construing 2 U.S.C.A. Secs. 434e and 441d, the circuit court relied on the Supreme Court decision of Buckley vs. Valeo, 424 U.S. 1 (1975).

Therefore, since the Federal Election Commission may not do indirectly what it may not do directly, 2 U.S.C.A. Sec. 431 does not apply to organizations such as Missouri Citizens For Life; and any attempt to apply the law to the facts of this case would be unconstitutional. Wherefore, my client believes the charges against it to be groundless and so should be dismissed.

Respectfully submitted,

James P. Finnegan, Jr.

JPF,Jr/mms

James P. Finnegan, Jr.
ATTORNEY AT LAW
1126 TITLE GUARANTY BUILDING
706 CHESTNUT STREET
ST. LOUIS, MISSOURI 63101

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

MUR 939 RECEIVED

80 APR 7 P1:53

JOHN J. DONNELLY
ATTORNEY AT LAW
P. O. DRAWER No. 1
ST. LOUIS, MO. 63188

TELEPHONE 621-1695

April 4, 1980

80 APR 7 P10:35

007329

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

Re: Lawyers for Life, Inc.
MUR 1160

Dear Mr. Andersen:

This is to confirm that I present Lawyers for Life, Inc. in regard to the above. This letter is in response to the letter dated February 14, 1980 from Charles N. Steele, your General Counsel, addressed to me as Registered Agent for Lawyers for Life, Inc.

No action should be taken against Lawyers for Life, Inc. on the basis of the Complaint filed with the Federal Election Commission on February 12, 1980 by the National Abortion Rights Action League. The complaint alleges my client participated in the purchase of an advertisement in the St. Louis Review of December 14, 1979 describing the position of Presidential Candidate and Senator Edward M. Kennedy on the issue of abortion.

The advertisement in question contained no endorsement of Senator Kennedy nor of any other candidate and was not published with the knowledge and consent of any candidate. The advertisement only stated the voting record of Senator Kennedy thereby demonstrating his position on abortion, an issue of national concern and of particular concern to Lawyers for Life, Inc., and only requests the reader to write or call him concerning his position on abortion.

2 U.S.C.A. sec. 431 has been interpreted in two cases. In each case, the Court found that the phrase "made for the purpose of influencing" included only those expenditures made with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate or his agents and that this section is only applicable to committees soliciting contributions or making expenditures, the major purpose of which is to nominate or elect candidates (ACLU v. Jennings, 366 F. Supp. 1041 (D.D.C., 1973) and U.S. v. National Committee for Impeachment, 469 F. 2d 115 (2nd Cir., 1972)). Since these expenditures were not made with the knowledge or consent of

of any candidate, and as the major purpose of my client is not the election of candidates, this section of the law does not apply to the advertisement in question.

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Thirdly, there is a recent unanimous decision by the Second Circuit Court of Appeals which has reaffirmed the strict limitation placed by the Supreme Court on the sort of political communications subject to the Federal Election Campaign Act (FEC v. CLITRIM No. 79-3014 (2nd Circ., 1979)). In this opinion, the circuit court rejected the argument of the Federal Election Commission that the law encompasses communications which analyze the voting records according to a particular ideological viewpoint as "totally meritless". The court held that all communications which do not state explicitly that a particular candidate ought to be elected or defeated are exempt from the law due to the First Amendment to the United States Constitution. In construing 2 U.S.C.A. Secs. 434e and 441d, the circuit court relied on the Supreme Court decision of Buckley v. Valeo, 424 U.S. 1 (1975).

Therefore, since the Federal Election Commission may not do indirectly what it maynot do directly, 2 U.S.C.A. Sec. 431 does not apply to organizations such as Lawyers for Life, Inc; and any attempt to apply the law to the facts of this case would be unconstitutional. Wherefore, my client believes the charges against it to be groundless and therefore,should be dismissed.

Yours very truly,

JJD:dl

JOHN J. DONNELLY
ATTORNEY AT LAW
P. O. DRAWER NO. 1
ST. LOUIS, MO. 63188

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

80 APR 7 P1:53
RECEIVED

G007
719

James P. Finnegan, Jr.
ATTORNEY AT LAW
1126 TITLE GUARANTY BUILDING
706 CHESTNUT STREET
ST. LOUIS, MISSOURI 63101

TELEPHONE (314) 421-4444

RECEIVED
FEDERAL ELECTION
COMMISSION

March 4, 1980

'80 MAR 13 PM 2:57

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

Re: Missouri Citizens For Life
and MUR 1160

Dear Mr. Andersen:

This is to advise you that I was recently served as the Registered Agent of Missouri Citizens For Life in regard to your complaint in the above-mentioned complaint number.

This is to advise you that I will be representing Missouri Citizens For Life in regard to this matter and thereby request that you direct all future notifications and communications to me.

I am also requestion that I be granted an additional 30 days in which to reply to your complaint in this matter.

Very truly yours,

James P. Finnegan, Jr.

JPF,Jr/mms

James P. Finnegan, Jr.
ATTORNEY AT LAW
26 TITLE GUARANTY BUILDING
706 CHESTNUT STREET
ST. LOUIS, MISSOURI 63101

FEDERAL ELECTION
COMMISSION

'80 MAR 13 PM 2 57

Mr. Lee Andersen, Attorney
Federal Election Commission
1325 (K) Street, N.W.
Washington, D.C. 20463

GCC# 690

JOHN J. DONNELLY
ATTORNEY AT LAW
P. O. DRAWER No. 1
ST. LOUIS, MO. 63188

TELEPHONE 621-1895

March 7, 1980

Federal Election Commission
Washington, D. C. 20463

Attn: Charles N. Steele
General Counsel

Re: MUR 1160

Dear Mr. Steele:

I have reviewed your letter of February 14, 1980 addressed to Lawyers for Life, Inc. I have difficulty in answering your letter in that there is no allegation wherein and why Lawyers for Life violated Federal Election Campaign Act of 1971, Chapters 95 and 95 of Title 26, U. S. Code.

Additionally, we would appreciate 60 days additional time in which to respond to the allegations of the National Abortion Rights Action League.

Yours very truly,

JJD:m

JOHN J. DONNELLY
ATTORNEY AT LAW
P. O. DRAWER NO. 1
ST. LOUIS, MO. 63188

ST. LOUIS, MO 63
PM
7 MAR

15

Federal Election Commission
Washington, D. C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawyers for Life, Inc.
c/o John Donnelly
14 North 9th Street
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Donnelly:

This letter is to notify you that on February 12, 1980, the Federal Election Commission recieved a complaint which alleges that Lawyers for Life, Inc. may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1160. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against Lawyers for Life, Inc. in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This letter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 1 0 4 0 2 5 5 2 8

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

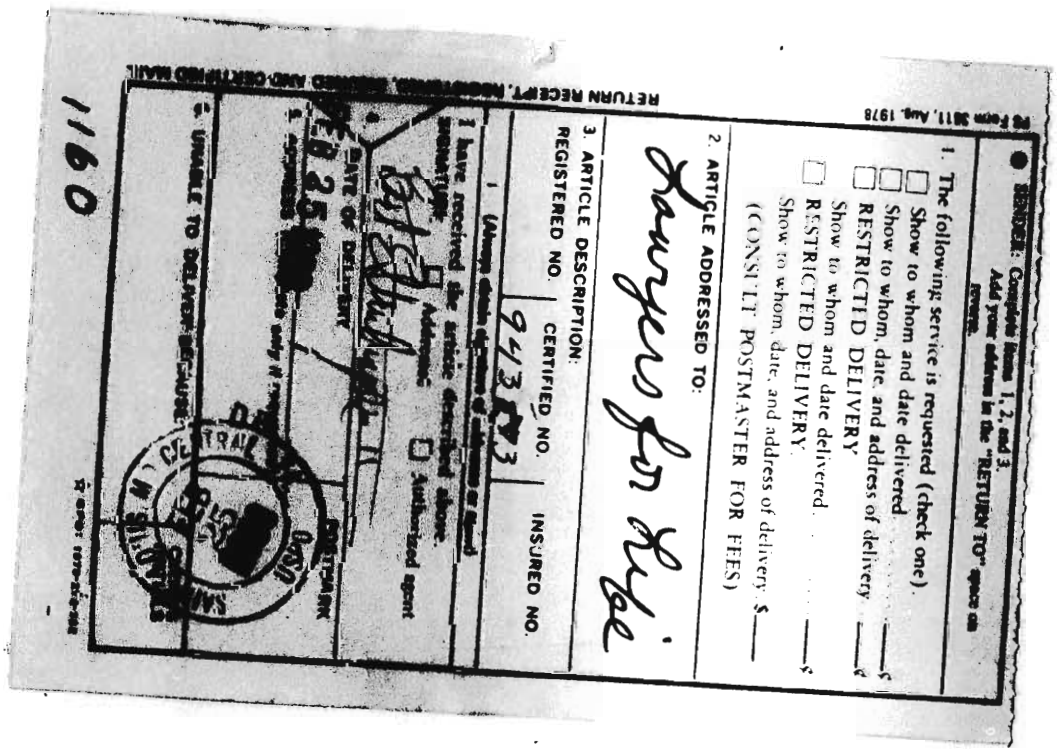
If you have any questions, please contact Lee Andersen, the attorney assigned to this matter at (202) 523-4035. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



8104025529

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Missouri Citizens for Life, Inc.
c/o James P. Finnegan, Jr.
706 Chestnut Street
Suite 1126
St. Louis, Missouri 63101

Re: MUR 1160

Dear Mr. Finnegan:

This letter is to notify you that on February 12, 1980, the Federal Election Commission received a complaint which alleges that Missouri Citizens for Life, Inc. may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 95 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1160. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against Missouri Citizens for Life, Inc. in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This letter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 1 0 4 0 2 5 2 5 3 0

If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

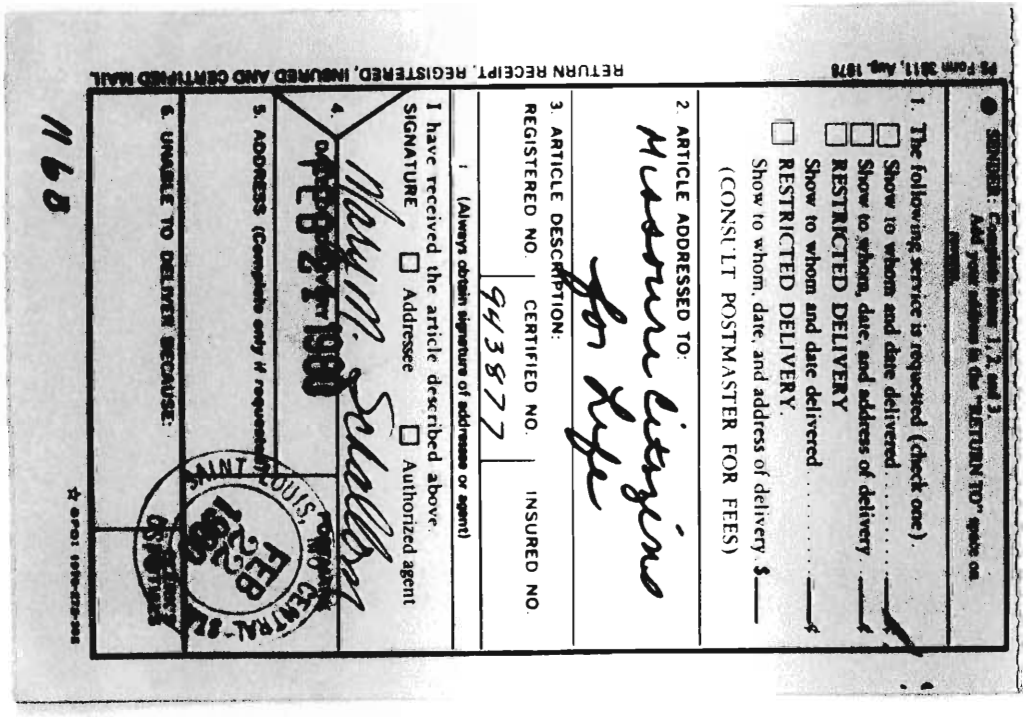
If you have any questions, please contact Lee Andersen, the attorney assigned to this matter at (202) 523-4035. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures



8 1 0 4 0 2 5 5 2 5 3 1

8 1 0 4 0 2 5 2 5 3 2

PS Form 3811, Aug. 1978

● 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
Hail Harmon

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943875	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY FEB 21 1980 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆ GPO: 1978-272-305

1160

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

Dear Ms. Harmon:

This letter is to acknowledge receipt of your complaint of February 11, 1980, against Lawyers for Life, Inc. and Missouri Citizens for Life which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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Doc-# 370

MUR 1160

RECEIVED FEDERAL ELECTION COMMISSION

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

'80 FEB 12 PM 12:17

February 11, 1980

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

80 FEB 14 A10:20

RECEIVED GENERAL COUNSEL

Dear Ladies and Gentlemen:

On behalf of National Abortion Rights Action League I am filing the following complaint of corporate expenditures "in connection with" an election which accordingly violate the prohibitions of §441b.

Attached as Exhibit "A" is an advertizement which ran in the St. Louis Review on December 14, 1979. Representatives of the paper have told us that full page ads cost $1,300.

Attached as Exhibits "B" and "C" are Certificates of Corporate Good Standing issued by the Missouri Secretary of State regarding Lawyers for Life, Inc., and Missouri Citizens for Life.

Upon information and belief the "St. Louis Review" is owned by and/or published by the Archdiocese of Missouri.

We respectfully request that you promptly investigate the facts surrounding this ad. If, as it states, it was "paid for by" Lawyers for Life and Missouri Citizens for Life, then it constitutes an illegal corporate expenditure in connection with a federal election. 2 USC 441b. If the space was donated by the Archdiocese or the newspaper, it may similarly be a prohibited corporate expenditure.

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

GMH/dds

Gail M. Harmon

cc: FEC Commissioners
Karen Mulhauser

6 1 0 4 0 2 5 2 5 3 4

SHELDON, HARMON & WEISS

Subscribed and Sworn to before me this 11th day of February 1980.

Deanne M. Washington

My Commission Expires December 14, 1984

8 1 0 4 0 2 5 2 5 3 5

RECEIVED FEB 6 1980
RECEIVED JAN 2 1980
NARAL "A"

from: J. Willicombe
Reproductive Health Services
Suite 203 — 40 North Euclid
St Louis, Missouri 63108

POLITICAL ADVERTISEMENT

A VOTE FOR KENNEDY IS A VOTE FOR ABORTION

SEN. EDWARD M. KENNEDY — A NEW EPITOME OF BLIND AMBITION

U.S. Sen. Edward M. Kennedy wants to be President of the United States — at any cost — including the cost of unborn ~~citizens~~ children.

He wants to be President so bad he has compromised himself and his Senate office at the cost of human life.

Pope John Paul II, on his recent visit to the United States, spoke on the Sanctity of Human Life.

The Pope said:

"When the sacredness of life before birth is attacked, we will stand up and proclaim that no one ever has the authority to destroy unborn life."

Kennedy stood up alright — for abortion — and he wants you, the taxpayer to subsidize this.

Kennedy has had more than two dozen chances since 1973 to vote against abortion.

Here's part of his sordid Senate voting record:

1974

• Kennedy voted to table an amendment that would have denied funding of abortions for military personnel. Kennedy's and 63 other Senate votes helped the continuance of military abortions (Until 1978).

• Kennedy voted to table an amendment to a House bill that would prohibit Labor-HEW funds to pay for or encourage abortions. Despite his efforts, federal funding of abortions was legislatively restricted when the Senate later voted to support the anti-abortion amendment.

1975

• Kennedy voted against a Bartlett amendment to prohibit Social Security Act funds "to pay for or encourage the performance of abortions except such abortions as are necessary to save the life of a mother."

1976

• Kennedy voted twice against the Hyde amendment (strict, acceptable anti-abortion language) regarding Labor-HEW appropriations. He voted first for deleting from the appropriations bill the amendment, and two months later voted against the amendment during another Senate debate.

1977

• Kennedy voted consistently for loose language supporting tax-financed abortions. He voted for funding of ambiguous "medically necessary" abortions and later twice voted against concurring with the strict House language.

• Kennedy voted to table an Eagleton amendment that would have provided a "conscience clause" for employers who did not wish to fund abortions for their employees.

1978

• Kennedy voted to strike an anti-abortion amendment that would prohibit the providing of abortion payments for Peace Corps workers.

• Kennedy again voted against strict anti-abortion language to Labor-HEW appropriations.

• Kennedy not only voted against the Helms amendment language to restrict federal funding of abortions, but he also voted against funding restrictions in the District of Columbia, the Department of Defense and the Peace Corps.

Within recent months Kennedy has sent a "Dear Friend" letter throughout the nation calling for the re-election of Iowa's incumbent Democratic Senator, John Culver.

Kennedy said Culver's election might be the nation's "second most important election." (After his, of course.)

Kennedy said, in that letter, that ". . . Culver's courage and competence will be needed to **counter the efforts of the national right-to-life groups** (underlining his) who have made John Culver one of their 'five top targets in 1980'."

Now he's coming to St. Louis to solicit yours and your children's votes.

In February, 1972, the bishops of Massachusetts issued a joint statement which said in part: "To all the citizens of Massachusetts we say that to remain passive on this issue is to afford silent cooperation in the movement of mass killing which is sweeping today's society to destruction. That is why we urge all citizens who demand legal protection for the human life of innocent unborn children to communicate their convictions to their legislators by letter or by telephone."

You can do something about it by writing or calling him at:

THINK ABOUT IT!

Senator Edward Kennedy
2241 Dirksen
Senate Office Building
Washington, D.C. 20510
202-224-4543

THIS ADVERTISEMENT PAID FOR BY:

Lawyers for Life, Missouri Citizens for Life, Nurses for Life, Social Workers for Life, National Youth Pro-Life Coalition

N00015253

"B"

STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

CORPORATION DIVISION

Certificate of Corporate Good Standing

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that LAWYERS FOR LIFE, INC.

was incorporated under the laws of this State on the 21st *day of* May, 1974, *and is in good standing, having fully complied with all requirements of this Office,* as of December 31, 1979.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 9th **day of** January,

Nineteen Hundred and Eighty.

James C. Kirkpatrick

SECRETARY OF STATE

CORP. 938

N00015334

"C"

STATE of MISSOURI

JAMES C. KIRKPATRICK, Secretary of State

CORPORATION DIVISION

Certificate of Corporate Good Standing

I, JAMES C. KIRKPATRICK, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that MISSOURI CITIZENS FOR LIFE *was incorporated under the laws of this State on the* 11th *day of* June, 1974, *and is in good standing, having fully complied with all requirements of this Office.* as of December 31, 1979

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of my office. Done at the City of Jefferson, this 9th **day of** January,

Nineteen Hundred and Eighty.

James C. Kirkpatrick

SECRETARY OF STATE

CORP. 938

SHELDON, HARMON & WEISS
1726 I STREET, N.W.
SUITE 506
WASHINGTON, D.C. 20006

Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

'80 FEB 12 PM 12:17
RECEIVED
FEDERAL ELECTION
COMMISSION

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1160

Date Filmed May 29, 1981 Camera No. --- 2

Cameraman SPC

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