FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1258

Date Filmed 10/25/82 Camera No. -1-

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

THIS IS THE END OF MUR # 1258

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MUR 1258
FOIA Index of Deleted Material
t= total deletion and p= partial deletion

1.	9 Routine slips	- t -	Exemption	(5)
2.	Letter dated 1/12/81	- p -	"	(3)
3.	Interim Rep. 3/22/81	- t -	"	(3)
4.	Comm. Object. 3/24/81	- t -	"	(5)
5.	Concil. Agreement 7/31/81	- t -	"	(5)
6.	Concil. Discussion 8/12/81	- p -	"	(3)
7.	G.C. Report 8/12/81	- t -	"	(3)
8.	Concil. Agreement 8/21/81	- t -	"	(3)
9.	Concil. Letter 9/18/81	- p -	"	(3)
10.	G.C. Rep. 12/18/81	- t -	"	(3)
11.	Comm. Objection 12/3/81	- t -	"	(5)
12.	Letter to Resp. 12/18/81	- t -	"	(3)
13.	Letter to Resp. 12/18/81	- t -	"	(3)
14.	G.C. Brief 2/16/82	- p -	"	(3)
15.	G.C. Brife 2/16/82	- p -	"	(3)
16.	Concil. Agreement 2/16/82	- t -	"	(3)
17.	G.C. Report 4/6/82	- t -	"	(3)
18.	Concil. Agreement 4/7/82	- t -	"	(3)
19.	Concil Agreement 4/9/82	- t -	"	(3)
20.	Memo to Comm. 5/4/82	- t -	"	(3)
21.	Concil. Agreement 6/2/82	- t -	"	(3)
22.	Ltr. from Respon. 6/17/82	- t -	"	(3)
23.	Memo to Comm. 7/2/82	- t -	"	(3)
24.	Comm. Object. 7/6/82	- t -	"	(3)

R. Lee Anderson 9/2/82

32040357749

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1982

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

Re: MUR 1258

Dear Ms. Harmon:

This is in reference to the complaint you filed with the Commission on July 14, 1980 concerning the National Right to Life Committee, Inc. and the National Right to Life Political Action Committee.

After conducting an investigation in this matter, the Commission determined there was probable cause to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. On July 13, 1982, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information.

The file number in this matter is MUR 1258. If you have any questions, please contact Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

2020355749

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1982

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

On July 13, 1982, the Commission accepted the conciliation agreement signed by your client, National Right to Life Committee, Inc., in settlement of a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

RECEIVED
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1258
National Right to Life Commitee, Inc.	)	
	)	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Gail M. Harmon. An investigation has been conducted, and probable cause to believe has been found that National Right to Life Committee, Inc. ("Respondent") violated 2 U.S.C. §§ 441b by soliciting the general public for contributions to its separate segregated fund, the National Right to Life Political Action Committee.

NOW THEREFORE, the Commission and Respondent, having duly entered into conciliation, pursurant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisidiction over the Respondent, and the subject matter of this proceeding.

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this Agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, the National Right to Life Committee, Inc., is a not-for-profit membership corporation, organized under the laws of the District of Columbia.

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2. The National Right to Life Political Action Committee is the separate segregated fund of the National Right to Life Committee, Inc.

3. The fundraising letter of June 1980 was prepared, printed and distributed to the general public by the National Right to Life Committee, Inc.

4. The solicitation of contributions to the general public by a seperate segregated fund or its connected organization is prohibited by 2 U.S.C. § 441b.

5. The Commission has found probable cause to believe that the June 1980 fundraising letter solicited contributions to the National Right to Life Political Action Committee in violation of 2 U.S.C. § 441b.

6. Respondent contends that the fundraising letter was not intended as a solicitation of contributions for the National Right to Life Political Action Committee.

7. Respondent received no contributions as a result of the June 1980 fundraising letter.

V. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et. seq., specifically, soliciting non-members of the National Right to Life Committee, Inc. for contributions to the National Right to Life olitical Action Committee.

VI. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

VIII. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

July 15, 1982
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

June 14, 1982
Date

J. C. Willke M.D. - President
National Right to Life
Committee, Inc.

BY: _____

ITS: _____

9 2 7 4 0 3 5 5 3 7 5 5 3

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Right to Life Committee, Inc.	)	MUR 1258
	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on July 13, 1982, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1258:

1. Accept the proposed conciliation agreement attached to the General Counsel's July 2, 1982 report in this matter.

2. CLOSE THE FILE.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

7-14-82
Date

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

2 2 0 4 0 5 5 1 7 5 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY RANSOM

DATE: JULY 8, 1982

SUBJECT: OBJECTION - MUR 1258 Memorandum to the Commission dated July 2, 1982

The above-named document was circulated to the Commission on July 6, 1982 at 11:00.

Commissioner Reiche submitted an objection at 9:22, July 8, 1982.

This matter will be placed on the agenda for the Executive Session of Tuesday, July 13, 1982. A copy of Commissioner Reiche's vote sheet with comments is attached.

Attachment

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July 2, 1982

MEMORANDUM TO: Marjorie Emmons

FROM: Steven Barndollar

SUBJECT: MUR 1258

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

Attachment

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

Re: MUR 1258

Dear Ms. Harmon:

This is in reference to the complaint you filed with the Commission on July 14, 1980 concerning the National Right to Life Committee, Inc. and the National Right to Life Political Action Committee.

After conducting an investigation in this matter, the Commission determined there was probable cause to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. On July , 1980, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy is enclosed for your information.

The file number in this matter is MUR 1258. If you have any questions, please contact Lee Andersen, the attorney assigned to this matter, at (202)523-5071.

Sincerely,

Charles N. Steele
General Counsel

BY:
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

On July , 1982, the Commission accepted the conciliation agreement signed by your client, National Right to Life Committee, Inc., in settlement of a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

May 4, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MURs 1258 and 1359

Please have the attached Memo to the Commission distributed to the Commission for their information. Thank you.

Attachment

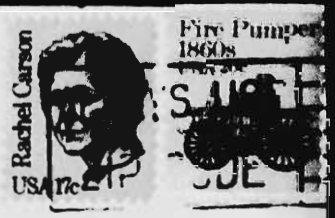
cc: Andersen

9204035759

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

820403556

TERRE HAUTE, IN 478
MAY 7
1982
PM



Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1258
National Right to Life	)	
Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Elelction Commission Executive Session on April 6, 1982, do hereby certify that the Commission took the following actions in MUR 1258:

1. Failed on a vote of 1-5 to pass a motion to

   a) find probable cause to believe that the National Right to Life Committee, Inc., violated 2 U.S.C. §441b by soliciting of the general public for contributions to the National Right to Life Political Action Committee;

   b) find probable cause to believe that the National Right to Life Committee, Inc., violated 2 U.S.C. §441b by endorsing the election of Representatives Hyde and Dornan, but take no further action on the issue;

   c) approve the letter and conciliation agreement addressed to the National Right to Life Committee, Inc., submitted with the FEC General Counsel's March 24, 1982 report in MUR 1258.

   Commissioner Harris voted affirmatively for the motion. Commissioners Aikens, Elliott, McDonald, McGarry, and Reiche dissented.

2. Failed on a vote of 3-3 to pass a motion to find probable cause to believe that the National Right to Life Committee, Inc., violated 2 U.S.C. §441b by soliciting of the general public for contributions to the National Right to Life Political Action Committee.

   Commissioners Harris, McDonald, and Reiche voted affirmatively for the motion. Commissioners Aikens, Elliott, and McGarry dissented.

(CONTINUED)

3. Failed on a vote of 3-3 to pass a motion to

   a) take no further action with respect to the National Right to Life Committee, Inc. violation of 2 U.S.C. §441b for soliciting of the general public for contributions to the National Right to Life Political Action Committee;

   b) take no further action with respect to the National Right to Life Committee, Inc. violation of 2 U.S.C. §441b for endorsing the election of Representatives Hyde and Dornan; and

   c) direct the FEC Office of General Counsel to draft appropriate letters pursuant to these actions.

   Commissioners Aikens, Elliott, and McGarry voted affirmatively for the motion. Commissioners Harris, McDonald, and Reiche dissented.

4. Decided by a vote of 5-1 to

   a) find probable cause to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. §441b by soliciting of the general public for contributions to the National Right to Life Political Action Committee, and approve the conciliation agreement recommended by the FEC General Counsel, subject to deletion of the civil penalty;

   b) take no further action with respect to the National Right to Life Committee, Inc. violation of 2 U.S.C. §441b for endorsing the election of Representatives Hyde and Dornan.

   Commissioners Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively. Commissioner Aikens dissented.

Attest:

4/7/82
Date

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

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March 26, 1982

MEMORANDUM TO: Marjorie W. Emmons

FROM: Phyllis A. Kayson

SUBJECT: MUR 1258

Please have the attached General Counsel's Report distributed to the Commission for the agenda of April 6, 1982. Thank you.

Attachment

cc: Andersen

82040353763

February 26, 1982

MEMORANDUM TO: Marjorie Emmons

FROM: Steven Barndollar

SUBJECT: MUR 1258

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1982

James Bopp, Jr., Esquire
Brames, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

Based on a complaint filed with the Commission on July 14, 1980, and information supplied by your client, the National Right To Life Committee, Inc. ("NRLC") the Commission determined on December 5, 1980, that there was reason to believe that your client had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

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 if possible) 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, if possible.) 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.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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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.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

2204035376 5

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 FEB 26 A11: 34

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

February 26, 1982

MEMORANDUM TO: The Commission

FROM: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1258

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 February 26, 1982. 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

BEFORE THE FEDERAL ELECTION COMMISSION

February 16, 1982

In the Matter of	)	
	)	MUR 1258
National Right to Life Committee, Inc.,	)	
	)	

GENERAL COUNSEL'S BRIEF

I. Previous Commission Action

On July 14, 1980, the National Abortion Rights Action League (NARAL) filed a complaint against the National Right to Life Committee (NRLC). The complaint alleged that NRLC violated 2 U.S.C. § 441b by soliciting contributions to the National Right to Life Political Action Committee (NRL-PAC) from the general public and for making expenditures in connection with a federal election by endorsing the candidacies of Representative Hyde and Dornan. Both of the alleged violations were accomplished through a letter ostensibly sent to former members of NRLC whose memberships had expired at least nine months prior to the mailing of the letter. On December 5, 1980, the Commission found reason to believe that NRLC committed violations of 2 U.S.C. § 441b by soliciting contributions from the general public to its separate segregated fund, NRL-PAC, and by endorsing the candidacies of Representatives Hyde and Dornan.

A. The Solicitation For NRL-PAC

Title 2 of the United States Code, Section 441b prohibits a membership corporation without capital stock from soliciting persons, other than members of the corporation, for contributions to its separate segregated fund. 2 U.S.C. § 441b(b)(4). This basic statutory restriction has been further clarified in several advisory opinions. Advisory Opinion 1976-27, citing a colloquy among Senators Allen, Cannon and Packwood, states that "informing persons of a fundraising activity is considered a solicitation." Advisory Opinion 1976-96, quoting a statement by Representative Hays explaining the operation of corporate and labor union solicitation provisions in the 1976 amendments to the act, noted that "any action [that] could fairly be considered a request for a contribution should be treated as a solicition." This standard was reiterated in more recent advisory opinions, AO 1978-17 and 1979-13 (But see dissent of Commissioners Aikens and Friedersdorf in Advisory Opinion 1979-13).

The question before the Commission is whether the NRLC letter "could fairly be considered a request for contribution" to NRL-PAC. The letter calls for those persons whose memberships in NRLC have expired to rejoin NRLC describing the kinds of activities which will be undertaken by NRLC. The letter also clearly discusses the importance of the work of NRL-PAC. It discusses what has been done to influence political events and what needs to be done by the PAC. For example, the letter states, "The National Right to Life Political Action Committee

made its first endorsements in January, 1980. We have since achieved victories in Nebraska, Pennsylvania, New Hampshire, and Illinois." However, the letter expressly denies that it is soliciting contributions for NRL-PAC. Specifically, the letter states, "Because you have not contributed to NRLC since before September, 1979, you are not a member of Right to Life. I cannot ask you to help the National Right to Life Political Action Committee." Additionally, the letter states, "Because of federal regulations, only our National Right to Life Political Action Committee may become directly involved in these vital election efforts. And the federal government will not allow me to ask anyone but the present membership of NRLC to contribute to the Political Action Committee."

Thus the fundraising letter informs persons that there is a need for fundraising activity to help NRL-PAC, but it is not clear that the letter informs the reader of specific fundraising activity as was the case in advisory opinion 1976-27. However, the letter makes the case that NRL-PAC needs money, is doing important work and will continue to do such work with any additional money it receives.

The question posed by Representative Hays which was quoted in Advisory Opinion 1976-96, whether the action "could fairly be considered a request for contribution", seems to imply that the Commission should take a balancing approach to the situtation looking at the questioned activity in its entirety. While the communication explicitly appeals for a renewal of membership in

NRLC, the letter also alerts the reader to NRL-PAC's need for contributions.

NRLC appeared willing to at the time of its request for informal conciliation to accept the Commission's interpretation that the letter was a prohibited solicitation for NRL-PAC. But the failure of the fundraising letter to generate any pecuniary response from the general public has convinced NRLC that the Commission's conclusion that the letter can be fairly considered a solicitation for contributions from the general public is not supported by the facts.

However, failure of the letter to generate contributions from the general public does not determine the answer to the question of whether the Commission should be guided by the standard that it has set forth in its advisory opinions. The standard discussed Advisory Opinion, 1979-13, and derived from the earlier advisory opinions, AO 1976-27 and AO 1976-96, is that "any action [that] could be fairly considered a request for a contribution should be treated as a solicitation."

The Office of General Counsel submits that, the fundraising letter mailed out by NRLC can be fairly considered to be a solicitation of the general pubic. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC violated 2 U.S.C. § 441b by soliciting the general public for contributions to NRLC's separate segregated fund, NRL-PAC.

B. Endorsement of Representatives Hyde and Dornan

With respect to the allegation of an illegal endorsement of Representatives Hyde and Dornan, the NRLC fundraising letter states in relevant part, "[W]e must: re-elect Congressman Hyde and Dornan. This statement is an expression of support for these two candidates and can be characterized as an endorsement by NRLC. As such, the letter represents an expenditure in connection with an election and is prohibited by 2 U.S.C. § 441b.

Respondent notes that in MUR 1272, involving an NRLC complaint against Planned Parenthood, a communication to the general public which made reference to federal candidates was dismissed by the Commission. NRLC maintains that the present matter, arguably similar to MUR 1272, should likewise be dismissed. However, as discussed in the August 12, 1981 General Counsel's Report, the support of Hyde and Dornan at issue here is more direct than that in MUR 1272, and the analogy to MUR 1272, therefore, need not bind the Commission in this matter. (But see MUR 1295).

The second argument offered by respondent is that of the 97,791 pieces of literature mailed by NRLC endorsing these candidates only 375 pieces went to Congresman Hyde's district and 212 to Congressman Dornan's district. Respondent characterizes this as an unintentional and inadvertent reference that had "no effect on the election and was not intended to do so."

While the endosement of Hyde and Dornan may have been an expenditure in connection with an election, the Office of General Counsel recommends that the Commission take no further action on this issue. The one line endorsement of Representatives Hyde and Dornan buried in the text of a four page fundraising letter and received by a relatively small number of persons who could possibly have voted for either of these candidates is unlikely to have had appreciable impact upon the election. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC violated 2 U.S.C. § 441b by endorsing the election of Representatives Hyde and Dornan, but take no further action.

III. Recommendations

The Office of General Counsel recommends that the Commission:

1. find probable cause to believe that the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. § 441b by soliciting contributions for the National Right to Life Political Action Committee; and

2. find probable cause to believe that the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. § 441b by endorsing the candidacies of Representatives Hyde and Dornan, but take no further action on this issue.

Feb 26, 1982
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1982

James Bopp, Jr., Esquire
Brames, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

Based on a complaint filed with the Commission on July 14, 1980, and information supplied by your client, the National Right To Life Committee, Inc. ("NRLC") the Commission determined on December 5, 1980, that there was reason to believe that your client had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

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 if possible) 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, if possible.) 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.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

82040355775

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.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

82040553776

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
82 FEB 26 AM 11:34

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

February 26, 1982

MEMORANDUM TO: The Commission

FROM: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1258

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 February 26, 1982. Following receipt of the Respondent's reply to this notice, this office will make a further report to the Commission.

32040353777

Attachments

1. Brief
2. Letter to Respondent

BEFORE THE FEDERAL ELECTION COMMISSION

February 16, 1982

In the Matter of	)	
	)	MUR 1258
National Right to Life Committee, Inc.,	)	
	)	

GENERAL COUNSEL'S BRIEF

I. Previous Commission Action

On July 14, 1980, the National Abortion Rights Action League (NARAL) filed a complaint against the National Right to Life Committee (NRLC). The complaint alleged that NRLC violated 2 U.S.C. § 441b by soliciting contributions to the National Right to Life Political Action Committee (NRL-PAC) from the general public and for making expenditures in connection with a federal election by endorsing the candidacies of Representative Hyde and Dornan. Both of the alleged violations were accomplished through a letter ostensibly sent to former members of NRLC whose memberships had expired at least nine months prior to the mailing of the letter. On December 5, 1980, the Commission found reason to believe that NRLC committed violations of 2 U.S.C. § 441b by soliciting contributions from the general public to its separate segregated fund, NRL-PAC, and by endorsing the candidacies of Representatives Hyde and Dornan.

made its first endorsements in January, 1980. We have since achieved victories in Nebraska, Pennsylvania, New Hampshire, and Illinois." However, the letter expressly denies that it is soliciting contributions for NRL-PAC. Specifically, the letter states, "Because you have not contributed to NRLC since before September, 1979, you are not a member of Right to Life. I cannot ask you to help the National Right to Life Political Action Committee." Additionally, the letter states, "Because of federal regulations, only our National Right to Life Political Action Committee may become directly involved in these vital election efforts. And the federal government will not allow me to ask anyone but the present membership of NRLC to contribute to the Political Action Committee."

Thus the fundraising letter informs persons that there is a need for fundraising activity to help NRL-PAC, but it is not clear that the letter informs the reader of specific fundraising activity as was the case in advisory opinion 1976-27. However, the letter makes the case that NRL-PAC needs money, is doing important work and will continue to do such work with any additional money it receives.

The question posed by Representative Hays which was quoted in Advisory Opinion 1976-96, whether the action "could fairly be considered a request for contribution", seems to imply that the Commission should take a balancing approach to the situtation looking at the questioned activity in its entirety. While the communication explicitly appeals for a renewal of membership in

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

MEMORANDUM TO: THE COMMISSION

FROM: MARJORIE W. EMMONS /JODY CUSTER

DATE: FEBRUARY 26, 1982

SUBJECT: MUR 1258 - Memorandum to the Commission dated February 26, 1982 and General Counsel's Brief dated February 16, 1982

The attached documents are circulated for your information.

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

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A. The Solicitation For NRL-PAC

Title 2 of the United States Code, Section 441b prohibits a membership corporation without capital stock from soliciting persons, other than members of the corporation, for contributions to its separate segregated fund. 2 U.S.C. § 441b(b)(4). This basic statutory restriction has been further clarified in several advisory opinions. Advisory Opinion 1976-27, citing a colloquy among Senators Allen, Cannon and Packwood, states that "informing persons of a fundraising activity is considered a solicitation." Advisory Opinion 1976-96, quoting a statement by Representative Hays explaining the operation of corporate and labor union solicitation provisions in the 1976 amendments to the act, noted that "any action [that] could fairly be considered a request for a contribution should be treated as a solicition." This standard was reiterated in more recent advisory opinions, AO 1978-17 and 1979-13 (But see dissent of Commissioners Aikens and Friedersdorf in Advisory Opinion 1979-13).

The question before the Commission is whether the NRLC letter "could fairly be considered a request for contribution" to NRL-PAC. The letter calls for those persons whose memberships in NRLC have expired to rejoin NRLC describing the kinds of activities which will be undertaken by NRLC. The letter also clearly discusses the importance of the work of NRL-PAC. It discusses what has been done to influence political events and what needs to be done by the PAC. For example, the letter states, "The National Right to Life Political Action Committee

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B. Endorsement of Representatives Hyde and Dornan

With respect to the allegation of an illegal endorsement of Representatives Hyde and Dornan, the NRLC fundraising letter states in relevant part, "[W]e must: re-elect Congressman Hyde and Dornan. This statement is an expression of support for these two candidates and can be characterized as an endorsement by NRLC. As such, the letter represents an expenditure in connection with an election and is prohibited by 2 U.S.C. § 441b.

Respondent notes that in MUR 1272, involving an NRLC complaint against Planned Parenthood, a communication to the general public which made reference to federal candidates was dismissed by the Commission. NRLC maintains that the present matter, arguably similar to MUR 1272, should likewise be dismissed. However, as discussed in the August 12, 1981 General Counsel's Report, the support of Hyde and Dornan at issue here is more direct than that in MUR 1272, and the analogy to MUR 1272, therefore, need not bind the Commission in this matter. (But see MUR 1295).

The second argument offered by respondent is that of the 97,791 pieces of literature mailed by NRLC endorsing these candidates only 375 pieces went to Congresman Hyde's district and 212 to Congressman Dornan's district. Respondent characterizes this as an unintentional and inadvertent reference that had "no effect on the election and was not intended to do so."

NRLC, the letter also alerts the reader to NRL-PAC's need for contributions.

NRLC appeared willing to at the time of its request for informal conciliation to accept the Commission's interpretation that the letter was a prohibited solicitation for NRL-PAC. But the failure of the fundraising letter to generate any pecuniary response from the general public has convinced NRLC that the Commission's conclusion that the letter can be fairly considered a solicitation for contributions from the general public is not supported by the facts.

However, failure of the letter to generate contributions from the general public does not determine the answer to the question of whether the Commission should be guided by the standard that it has set forth in its advisory opinions. The standard discussed Advisory Opinion, 1979-13, and derived from the earlier advisory opinions, AO 1976-27 and AO 1976-96, is that "any action [that] could be fairly considered a request for a contribution should be treated as a solicitation."

The Office of General Counsel submits that, the fundraising letter mailed out by NRLC can be fairly considered to be a solicitation of the general pubic. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC violated 2 U.S.C. § 441b by soliciting the general public for contributions to NRLC's separate segregated fund, NRL-PAC.

2. find probable cause to believe that the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. § 441b by endorsing the candidacies of Representatives Hyde and Dornan, but take no further action on this issue.

Feb 26, 1982
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

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While the endosement of Hyde and Dornan may have been an expenditure in connection with an election, the Office of General Counsel recommends that the Commission take no further action on this issue. The one line endorsement of Representatives Hyde and Dornan buried in the text of a four page fundraising letter and received by a relatively small number of persons who could possibly have voted for either of these candidates is unlikely to have had appreciable impact upon the election. Therefore, the Office of General Counsel recommends that the Commission find probable cause to believe that NRLC violated 2 U.S.C. § 441b by endorsing the election of Representatives Hyde and Dornan, but take no further action.

III. Recommendations

The Office of General Counsel recommends that the Commission:

1. find probable cause to believe that the National Right to Life Committee, Inc. committed a violation of 2 U.S.C. § 441b by soliciting contributions for the National Right to Life Political Action Committee; and

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.

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

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1982

James Bopp, Jr., Esquire
Brames, Bopp & Haynes
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

Based on a complaint filed with the Commission on July 14, 1980, and information supplied by your client, the National Right To Life Committee, Inc. ("NRLC") the Commission determined on December 5, 1980, that there was reason to believe that your client had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

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 if possible) 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, if possible.) 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.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 18,1981

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South 6th Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

This letter is to confirm the Commission's receipt of your proposed conciliation agreement on October 5, 1981. The Commission has reviewed your proposal and has determined not to accept your proposal. Since we appear to be making little or no progress in the conciliation of this matter informally, we will be soon submitting a brief to you which will present the viewpoint of the Office of General Counsel on the factual and legal questions at issue in this matter. At that time, you will have 15 days with in which to respond to the Commission with a brief of your own. After the 15 day time period has passed, the brief of the Office of General Counsel, together with your brief should you choose to submit one, will be presented to the Commission for consideration.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Anderson

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
National Right to Life) MUR 1258
Committee, Inc.)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 15, 1981, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1258:

1. reject the counter conciliation proposal submitted by the National Right to Life Committee, Inc.; and

2. approve and authorize the sending of the attached letter to James Bopp, counsel to the National Right to Life Committee, Inc.

Commissioners Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

12/17/81
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of National Right to Life Committee, Inc.	))))	MUR 1258

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 15, 1981, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1258:

1. reject the counter conciliation proposal submitted by the National Right to Life Committee, Inc.; and

2. approve and authorize the sending of the attached letter to James Bopp, counsel to the National Right to Life Committee, Inc.

Commissioners Harris, McGarry, Reiche, Thomson, and Tiernan voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

12/17/81
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: DECEMBER 7, 1981

SUBJECT: OBJECTIONS - MUR 1258 General Counsel's Report Dated November 18, 1981, signed December 3, 1981; Received in OCS, 12-3-81, 12:44

The above-named document was circulated to the Commission on December 3, 1981 at 4:00.

Commissioners Reiche and Aikens submitted objections on December 4, 1981 at 4:25 and 5:20, respectively.

This matter will be placed on the agenda for the Executive Session of Tuesday, December 15, 1981.

Copies of their vote sheets with comments are attached.

Attachments:
Vote sheets

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December 3, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1258

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

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

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1 SEP21 P3:56

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

September 18, 1981

Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

Re: MUR 1258
MUR 1359

1 SEP21 P4:04

Dear Lee:

With respect to MUR 1258, several factors mitigate in favor of the dismissal of this complaint. First, with respect to the mention of candidates for federal office in the fund raising letter, a similar, almost identical, complaint against Planned Parenthood was dismissed. See MUR 1372. In that case, the General Counsel's office analyzed the fund raising letter which contained the alledgedly offensive reference to federal candidates. In this analysis, the General Counsel's office found that the purpose of the letter was to obtain contributions to Planned Parenthood, not to urge support of any candidate. Such a similar analysis is applicable to the fund raising letter in the instant complaint.

In addition, in our Answers to Interrogatories we indicated the extremely small number of letters which actually found their way into these two Congressmen's districts. Out of 97,791 pieces mailed, only 375 went to Congressman Hyde's district and 212 to Congressman Dornan's. This inadvertent and unintentional reference to the Hyde and Dornan campaign obviously had no affect on the election and were not intended to do so.

In addition, with respect to the alledged solicitation effect of the letter for NRLPAC, our Answers to Interrogatories reveals that no contribution was obtained by NRLPAC as a result of this

letter. Indeed, an analysis of the fund raising letter revealed that the purpose of the solicitation was to obtain contributions for the National Right to Life Committtee not its PAC. As a result, it is our feeling that MUR 1258 should be dismissed.

With reference to MUR 1359, our Answers to Interrogatories reveals that no solicitation was intended by the ad and that no contributions were received as a result of this ad. Once again any solicitation was unintended and inadvertent and had no effect of resulting in contributions to the PAC. This complaint also should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
cc: Warren Sweeney
Mary R. Hunt
John C. Willke
Sandra Faucher

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

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Mr. R. Lee Andersen
Federal Election Commission
1325 K Street, N. W.
Washington, DC 20463

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[redacted]

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

July 30, 1981

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

Re: MUR 1258

Dear Lee:

After we received this complaint from NARAL, I filed a complaint against Planned Parenthood for distributing fund raising letters with very similar statements such as were a part of this complaint. Specifically, in this complaint, NARAL complained that NRLC was endorsing the election of Congressman Hyde and Dornan in the fund raising letter which is a prohibited expenditure by a corporation. My complaint in MUR 1372 was the same based upon statements made in the fund raising letter as contained in my March 6, 1981, letter attached hereto.

I have just been informed that the Federal Election Commission has determined that NRLC's complaint against Planned Parenthood would be dismissed on the basis that there was no reason to believe that a violation of the Federal Election Campaign Act had been committed. It is my view that, if NRLC's complaint against Planned Parenthood had no merit, then NARAL's complaint against ours should be treated similarly. As a result, this portion of the NARAL complaint in this case should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
Enclosure

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GENERAL COUNSEL
RECEIVED

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TERRE HAUTE, INDIANA 47807

TELEPHONE
812/238-2421

March 6, 1981

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

Dear Sir/Madam:

On behalf of the National Right to Life Committee, Inc. (NRLC), I am filing the following complaint of violation of federal election laws by Planned Parenthood Federation of America, Inc. (Planned Parenthood).

In the fall of 1980, Planned Parenthood sent to non-members the attached letter seeking contributions to it. This letter constituted a violation of Section 441b(a) inasmuch as Planned Parenthood, as a corporation, is prohibited from making expenditures in connection with a federal election. In the letter, Faye Wattleton, President of Planned Parenthood, stated that "In an effort to eliminate Congressmen and Senators who defend family planning rights, the Right-to-Lifers, backed by the extreme Right Wing, have mounted a massive campaign to destroy the political careers of some of this nation's most courageous leaders. They've drawn up a "hit list" aimed at defeating men like Senators Bayh, Culver, McGovern and Packwood, and Representatives Morris Udall and Joe Fisher. Judging from the amount of money they're spending and the recent polls I've seen, they're dangerously close to defeating some of the most effective voices we have on our side."

This reference constituted urging of support for specific candidates for federal office who were then in the midst of their re-election campaign. As such, the expenditures constituted a violation of Section 441b. We request, therefore, that the Commission institute an appropriate investigation and impose fines for violation.

I have prepared the complaint and believe 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,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
Enclosure

STATE OF INDIANA, COUNTY OF VIGO, SS:

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, this 6th day of March, 1981.

Witness my hand and Notarial seal.

My Commission Expires
December 14, 1984

Mary A. Winn, Notary Public
County of Residence: Clay

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That is why . . .

We at PLANNED PARENTHOOD are asking you and all Americans who truly value our fundamental rights to no longer remain silent but to stand up and be counted with us to stop the zealous minority who wish to impose their dogmatic will upon us all.

PLANNED PARENTHOOD is by no means a newcomer to the human rights scene. Quite the contrary! For over sixty years we have been the acknowledged preeminent force in advancing the right of all Americans to know the facts about their bodies and in defending our right to determine our own fertility. Actually, PLANNED PARENTHOOD has been quietly helping so many millions upon millions of women, men and families for so long that we have come to be considered a highly respected part of the establishment -- the progressive, thinking establishment, at least!

But that was not always the case. What many people, even those who have directly benefited from our family-planning work, do not know is that PLANNED PARENTHOOD was founded by a determined woman who was jailed many times before she saw her dream become reality.

Margaret Sanger, an American pioneer in the truest and noblest self-sacrificing sense, was committed to seeing that the poor women in 1916 did not have their "right to life" destroyed by a cycle of oversized families and poverty. And she dedicated her own life to freeing these helpless women from a succession of unwanted pregnancies, which often led to early deaths in childbirth. And she launched her courageous crusade: To educate American parents on how to control the size of their families -- how to plan parenthood. For this "crime" she was arrested and jailed time and again. Yet, on each release from imprisonment, Margaret Sanger with quiet determination returned to her just cause: freeing women the world over from the slavery of uncontrolled reproduction.

Today, her dream -- PLANNED PARENTHOOD -- is a reality with over 100,000 supporters, 20,000 active volunteers, over 700 clinics in the United States, and with programs in 111 foreign countries. And now, more than 100 years after her birth, Margaret Sanger's memory is honored throughout the world by men and women who understand her monumental achievements for humanity.

Yet, the same kind of thinking which sent Mrs. Sanger to jail is still with us. Often it takes an ugly form. When clinics were burned we saw it explode into violence that threatened lives and property. Most importantly, this effort to impose the beliefs of some on the rest of us threatens our most cherished rights and freedoms.

-- Although seven years earlier the Supreme Court had ruled that a woman has the right to choose when and if to bear a child, the Court's Hyde decision in June of this year is a clear victory for anti-abortionists in their battle of coercion and intimidation to negate the right to choice. Thus, while polls show that the majority of Americans favor legalized abortions,

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areas of this document that can be tampered with or entirely rewritten. And the extreme right-wingers, who have joined the anti-choice forces in calling for this convention, see it as their golden opportunity to remold even the Bill of Rights to their own views.

The threat of a Constitutional Convention dominated by the so-called "Pro-Life" forces is real! Already 19 state legislatures have caved in under the incredible pressure mounted by the anti-choice zealots and have passed resolutions calling for the convention. Only 15 more states have to follow suit. Then Congress would be forced -- by the Constitution itself -- to call a convention that could mean the end of personal freedoms and civil liberties we have known since this nation was founded.

If you have not fully realized the true extent of the danger facing us all, you are not alone. Many PLANNED PARENTHOOD supporters and even staff members have felt we should ignore the Right-to-Lifers and quietly continue our vital activities in the name of humanity, as we have for over 60 years. However, the recent Supreme Court ruling, which seriously abridges the right of poor women to choose, the reign of terror against pro-choice groups in the form of clinic burning and harassment of patients and the horrifying prospect of a Constitutional Convention, have welded us all into a firm resolve to . . .

STOP the insane headlong rush toward a Constitutional Convention by awakening all Americans to the real threat it poses to us all. We must create a groundswell of grassroots opposition that will silence the rantings of the anti-choice minority and the right-wing fanatics.

STOP the blatant discrimination against poor women by challenging in the Congress and the state legislatures the cut-off of funds for abortions.

STOP the rising tide of red-tape restrictions on legal abortions, foisted on municipal and state governments by anti-choice factions. The vast bulk of these regulations are purely technical barriers to prevent women from exercising their personal right to an abortion, a freedom the Supreme Court has declared as constitutionally theirs and has now seriously undermined with its Hyde decision.

STOP the further erosion of a woman's right to choose by well-funded zealots who are pushing for more restrictive legislation, more stringent court rulings, and, worst of all, a constitutional amendment that would make all abortions illegal!

STOP the return to the "dark ages" of back-room and self-induced abortions, by establishing an emergency loan program which will

(next page, please)

help finance safe, professional abortions for women in financial need who have been ruthlessly denied federal and state funds.

STOP the spread of teenage pregnancies which now extends across every ethnic and financial group in the nation. The only way we can curb this tragedy is by instilling in each teenager sexual understanding and responsibility, before he or she becomes another unprepared parent of yet another unwanted, unloved child.

What we at PLANNED PARENTHOOD cannot and will not stop is the uninterrupted delivery of the life-enriching services we provide, regardless of the threats against us.

However, to meet the challenge of those who wish to plunge us all back into the "sex-is-taboo" mentality of Margaret Sanger's day and, at the same time, to maintain our vital ongoing programs, places an enormous demand upon our finances.

Therefore, we at PLANNED PARENTHOOD seek your personal support.

In 1916, Margaret Sanger suffered unrelenting ridicule, arrests and jail sentences before she saw her unfailing belief in the right of all men and women to intelligently plan their parenthood become a reality in PLANNED PARENTHOOD. For the last few years, our professional medical staffs and thousands of volunteers have bravely worked under threats of harassment and violence in order to guarantee that the most personal of all our civil liberties is not destroyed.

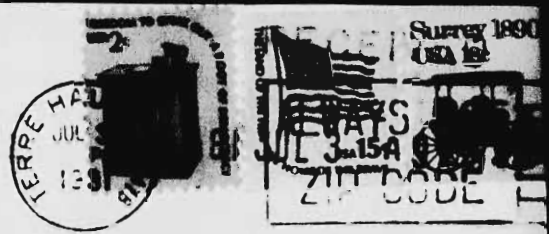
Now, we at PLANNED PARENTHOOD do not ask that you make such a personal sacrifice. We only ask that you look to your conscience and then contribute what you can. Every dollar you send us will be immediately put to full use to help us carry on our humanitarian services, helping people the world over plan their parenthood.

Sincerely,

Faye Wattleton

Faye Wattleton
President

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807



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

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Right to Life	)	MUR 1258
Committee, Inc.	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on August 18, 1981, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 1258:

1. Send to the respondent the conciliation agreement attached to the General Counsel's August 12, 1981 report.

2. Send to the respondent the letter attached to the General Counsel's August 12, 1981 report.

Commissioners Harris, McGarry, Reiche, and Thomson voted affirmatively for the decision; Commissioners Aikens and Tiernan abstained on the vote.

Attest:

8/19/81

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: AUGUST 14, 1981

SUBJECT: OBJECTION - MUR 1258 General Counsel's Report dated 8-12-81; Received in OCS, 8-13-81, 10:53

The above-named document was circulated on a 48 hour vote basis at 4:00, August 13, 1981.

Commissioner Thomson submitted an objection at 12:42, August 14, 1981.

This matter will be placed on the Executive Session Agenda for Tuesday, August 18, 1981, as amended.

August 13, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1258

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

NRLC in its May 28, 1981, response to the Commission's December 5, 1980 questions admits that it is a corporation (respondent failed, however, to include copies of articles of incorporation or bylaws) (see Attachment 1). Further, NRLC admits that it used corporate funds totaling $15,257.11 to prepare, print and distribute the fundraising letter, "Federal Regulations Threaten Life," to the general public. Thus, assuming that the fundraiser was in part an illegal solicitation for NRL-PAC, as the Commission found reason to believe in its first consideration of this matter, NRLC's response amounts to an admission of the facts leading to a violation of Section 441b.

The Commission asked NRLC to state the success of the fund-raising letter in soliciting contributions for NLR-PAC. NRLC responded that between July 1, 1980, and April 9, 1981, $71,330 was received by NRL-PAC from members of NRLC while only $328 was received from non-members. In an attempt to discover the motivation for these contributions from non-members, counsel for NRLC contacted several of the identified non-member contributors and inquired as to how they happened to make contributions to NRL-PAC. In an affidavit, one of the persons employed by counsel for NRLC states that of the four non-member contributors she was able to contact, "none of those persons indicated ... that they contributed to NRLPAC because of ... the June 1980 direct mail appeal for NRLC." While such an informal survey is not definitive on the issue of motivation, it (along with the small number of non-members contributed) suggests that the impact of the fundraiser as a solicitation for NRL-PAC to the general public was negligible.

With respect to the endorsement of the candidacies of Representatives Dornan and Hyde which the Commission also found reason to believe violated 2 U.S.C. § 441b, NRLC maintains that, according to their computer consultant, of 97,791 copies of the June 1980 letter mailed, only 375 went to Congressman Hyde's district and only 212 went to Congressman Dornan's district. Characterizing the reference as "inadvertent and unintentional" NRLC maintains that the endorsements had no impact on the elections in those districts. In addition, in its response to the Commission questions, NRLC denies endorsing the reelection of Dornan and Hyde stating that only NRL-PAC endorsed these candidates in the 1980 elections. Nevertheless, NRLC does voice support the candidacies of Dornan and Hyde in the June 1980 letter.

On August 3, 1981, the Commission received a letter from respondent referring to MUR 1372 (a complaint filed by NRLC against Planned Parenthood and recently dismissed by the Commission). In this correspondence, respondent argues that the issues in the MUR 1372 and the present one are so similar as to require the Commission to reverse its reason to believe finding on the Dornan and Hyde issue in MUR 1258 based upon the action taken in MUR 1372 (see Attachment 3). The endorsements of Congressmen Dornan and Hyde, however, were significantly more direct expressions of support for federal candidates than that found in the Planned Parenthood matter, and thus the Office of General Counsel recommends that the comparison which respondent urges upon the Commission be rejected.

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Thus it appears that the Act was violated, but that the consequences of the violations were limited.

III. Recommendation

The Office of General Counsel recommends that the Commission:

2) approve and send the attached letter to the respondent.

Aug 12, 1981
Date

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments

1. NRLC's May 28, 1981 response to the Commission.
2 Proposed conciliation agreement with covering letter.
3. Respondent's letter received August 3, 1981.

2204035307

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

May 28, 1981

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

Re: MUR 1258 and MUR 1359

Dear Lee:

I am very sorry that our responses, enclosed herewith, to your Request to Answer Questions and Produce Documents has taken this long. I have had to accumulate this information from several different people in NRLC and through a computer search of our mailing lists. In addition, I asked my secretary, Mary Winn, to contact the non-member contributors to determine the reasons for their contributions. I hope this information is still provided to you on a timely basis.

With respect to MUR 1258, as you can see from the answers to interrogatories, NRLPAC received no contributions as a result of this mailing. In addition, you will note in the May 7, 1981, letter from our computer house, Masser Systems, Inc., that of the 97,791 pieces mailed, only 375 went to Congressman Hyde's district and 212 to Congressman Dornan's. This represented 0.38% and 0.22% of those mailed. This inadvertent and unintentional reference to the Hyde and Dornan campaigns had no effect on the election. In addition, the mailing was obviously not directed with any such intent. In addition, the reference to NRLPAC resulted in no benefit to it in contributions. This matter, therefore, is so insignificant in its intent and result that it should be dismissed.

With reference to MUR 1359, the answers to questions reveal that approximately 5,000 copies of the July, 1980 Political Profiles Report were distributed by the publishers of that Report to the delegates to the Republican and Democratic National Conventions. NRLPAC purchased an ad for $450.00 in order to publicize the assistance and services available through the PAC. No solicitation was intended and, as the answers reveal, no contributions were received as a result of this ad. As a result, this matter is also so insignificant in its intent and result that it too should be dismissed.

Attachment /

9 2 0 4 0 5 5 3 1 0

If I might further assist you in this matter, please let me know.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
Enclosures
cc: John C. Willke
Warren Sweeney
Sandra Faucher
Mary Hunt

1204035311

Anderson

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

RE: MUR 1258

RESPONSE TO REQUEST TO ANSWER QUESTIONS
AND PRODUCE DOCUMENTS

Comes now James Bopp, Jr., General Counsel for the National Right to Life Committee, Inc. and attorney for the respondent herein, and in response to questions propounded by the Federal Election Commission, alleges and says that:

1. Please state whether the National Right to Life Committee, Inc. ("NRLC") is an incorporated organization? If the answer to this question is yes, please submit the organization's articles of incorporation, bylaws, and a copy of the state charter under which the corporation is registered.

ANSWER: Yes. Attached.

2. Please state whether NRLC is a membership organization.

ANSWER: Yes.

3. Please state how NRLC determines membership status for purposes of communications with members of the organization.

ANSWER: A person is an associate member of NRLC for purposes of solicitation by NRLPAC if

(1) The person is an individual rather than a corporation.
(2) The person subscribes to the purposes of NRLC.
(3) The person pays dues of $3.00 or more every two years.
(4) The person affirmatively indicates a desire to become a member of NRLC.

4. Please state whether NRLC endorsed the reelection of Representatives Dornan and Hyde in the 1980 elections? If the answer to this question is yes, please supply the Commission with copies of any material which have been disseminated to the general public by NRLC expressing this endorsement.

ANSWER: No. NRLPAC, however, did endorse Representatives Dornan and Hyde for reelection in the 1980 election.

5. Please state whether NRLC paid with corporate funds the costs associated with the preparation, printing, and distribution of the June 1980, letter titled "Federal Regulations Threaten Right to Life," dated Monday morning, June 1980. If the answer to this question is no, please identify the source of funds used by NRLC to pay for the costs associated with the June 1980, newsletter.

ANSWER: Yes.

6. Please state whether any copies of NRLC written communications were distributed to the general public in the calendar years 1979 and 1980. If the answer to this question is yes, please submit a copy of each to the Commission and state for each communication:

a. How many were printed?
b. How many copies were distributed to the general public?
c. What was the total cost of each of these communications to NRLC?

ANSWER: Pursuant to telephone discussion with Lee Andersen of the FEC, this Interrogatory was modified to request only information regarding the June, 1980 direct mail appeal which is the subject of this complaint. Regarding the June, 1980 appeal:

(1) 97,791. See Masser letter attached hereto.
(2) All.
(3) $15,257.77 is total cost.

Printing	$9,363.58	Postage	$3,035.15
Mailing	2,133.11	Labels	725.93

7. Please state whether during the period from June 1980, through the present, the National Right to Life Political Action Committee ("NRL-PAC") has received any contributions in response to the June 1980, newsletter identified in question No. 5.

ANSWER: No. Between July 1, 1980, and April 9, 1981, NRLPAC received $71,330.17 from 2,946 members of NRLC as a result of two direct mail appeals to members of NRLC. During the same period, NRLPAC received contributions from seven non-members who contributed $328.00. See Masser letter attached hereto. None of these non-members contributed to NRLPAC as a result of the June, 1980 direct mail appeal letter of NRLC soliciting contributions to NRLC. See Winn affidavit attached hereto.

8. If the answer to question No. 7 is yes, please state how many of these contributions were made to NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

9. If the answer to question No. 7 is yes, please state the total dollar amount received by NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

10. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the June 1980, letter described in interrogatory number 5.

ANSWER: See Answer to Interrogatory No. 6.

11. Please submit to the Commission a copy of all NRLC written communications distributed to members of the NRLC during the calendar years 1979 and 1980.

ANSWER: See Answer to Interrogatory No. 6. Copies of invoices will be provided on request.

Respectfully submitted,

BRAMES, BOPP & HAYNES

By: _____
James Bopp, Jr., General Counsel
National Right to Life Committee, Inc.

BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, IN 47807
812-238-2421

STATE OF INDIANA)
(SS:
COUNTY OF VIGO)

AFFIDAVIT OF MARY WINN

I, Mary Winn, secretary in the law firm of Brames, Bopp & Haynes, 900 Sycamore Building, Terre Haute, IN 47807, being duly sworn upon my oath, do hereby swear and affirm as follows:

1. During the week of May 25, 1981, I made repeated attempts to contact the persons listed as Exhibit #1, attached hereto, to determine what caused or motivated them to contribute to the National Right to Life Political Action Committee on the date listed therein.

2. During that period of time, I was able to contact four of these individuals or their immediate family. Despite repeated attempts, I received no answer at the homes of C. Casey and Michael Gask and I was unable to obtain a phone number for Pruella Gibson.

3. Of the four persons or their immediate family which I personally contacted, reasons given me for the contribution to NRLPAC were:

(a) Mr. and Mrs. Douglas Johnson, new employee of NRLC;
(b) Robert F. Lorenz, didn't know;
(c) William L. Sloss, unsure; and
(d) Mr. and Mrs. Bernard Zollner, suggestion of a friend.

4. None of the persons whom I contacted indicated to me that they contributed to NRLPAC because of either the ad for NRLPAC in the July, 1980, PPI Report or the June, 1980 direct mail appeal for NRLC.

I have read the foregoing statement and it is true to the best of my knowledge and belief.

Further affiant sayeth naught.

Mary Winn
Mary Winn, Affiant

Subscribed and sworn to before me this 28th day of May, 1981.

Julia M. Combs
Julia M. Combs, Notary Public
County of Residence: Vigo

My Commission Expires
July 9, 1984

Exhibit #1

MASSER SYSTEMS INCORPORATED

May 20, 1981

NAME & ADDRESS	DATE	AMOUNT
C Casey 5112 Windyridge Kalamazoo, MI 49001	12/30/80	50.00
Michael Gask 255 E 176th St Bronx, NY 10457	10/30/80	10.00
Pruella Gibson 180 Province St Richford, VT 05476	2/27/81	10.00
Mr. & Mrs. Douglas Johnson 1708 Matthews Lane Austin, TX 78745	10/30/80	8.00
Robert F. Lorenz 12600 W Grove Terrace Elm Grove, WI 53122	10/07/80	100.00
William L. Sloss 10 Summit Lake Zurich, IL 60047	10/30/80	100.00
Mr. & Mrs. Bernard Zollner 17109 Mt View Lane NE Woodburn, OR 97071	12/30/80	50.00
	TOTAL	$ 328.00

5020 SUNNYSIDE AVENUE, SUITE 112 BELTSVILLE, MARYLAND 20705 (301) 474-2220

GOC #5192

[redacted]

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

July 30, 1981

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

Re: MUR 1258

Dear Lee:

After we received this complaint from NARAL, I filed a complaint against Planned Parenthood for distributing fund raising letters with very similar statements such as were a part of this complaint. Specifically, in this complaint, NARAL complained that NRLC was endorsing the election of Congressman Hyde and Dornan in the fund raising letter which is a prohibited expenditure by a corporation. My complaint in MUR 1372 was the same based upon statements made in the fund raising letter as contained in my March 6, 1981, letter attached hereto.

I have just been informed that the Federal Election Commission has determined that NRLC's complaint against Planned Parenthood would be dismissed on the basis that there was no reason to believe that a violation of the Federal Election Campaign Act had been committed. It is my view that, if NRLC's complaint against Planned Parenthood had no merit, then NARAL's complaint against ours should be treated similarly. As a result, this portion of the NARAL complaint in this case should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
Enclosure

81 AUG 3 AM 10:58
81 AUG 3 AM 11:45
GENERAL COUNSEL
RECEIVED

Attachment 3

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
[illegible]
[illegible]
TERRE HAUTE INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
[illegible] 238 2421

March 6, 1981

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

Dear Sir/Madam:

On behalf of the National Right to Life Committee, Inc. (NRLC), I am filing the following complaint of violation of federal election laws by Planned Parenthood Federation of America, Inc. (Planned Parenthood).

In the fall of 1980, Planned Parenthood sent to non-members the attached letter seeking contributions to it. This letter constituted a violation of Section 441b(a) inasmuch as Planned Parenthood, as a corporation, is prohibited from making expenditures in connection with a federal election. In the letter, Faye Wattleton, President of Planned Parenthood, stated that "In an effort to eliminate Congressmen and Senators who defend family planning rights, the Right-to-Lifers, backed by the extreme Right Wing, have mounted a massive campaign to destroy the political careers of some of this nation's most courageous leaders. They've drawn up a "hit list" aimed at defeating men like Senators Bayh, Culver, McGovern and Packwood, and Representatives Morris Udall and Joe Fisher. Judging from the amount of money they're spending and the recent polls I've seen, they're dangerously close to defeating some of the most effective voices we have on our side."

This reference constituted urging of support for specific candidates for federal office who were then in the midst of their re-election campaign. As such, the expenditures constituted a violation of Section 441b. We request, therefore, that the Commission institute an appropriate investigation and impose fines for violation.

I have prepared the complaint and believe 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,

BRAMES, BOPP & HAYNES

By

James Bopp, Jr.

JB:maw
Enclosure

2 2 7 4 0 3 3 3 1 3

STATE OF INDIANA, COUNTY OF VIGO, SS:

Subscribed and sworn to before me, the undersigned, a Notary Public in and for said County and State, this 6th day of March, 1981.

Witness my hand and Notarial seal.

My Commission Expires
December 14, 1984

Mary A. Winn, Notary Public
County of Residence: Clay

32049353319

Planned Pa[illegible]ood-World Population 810 SEVENTH AVE[illegible] NEW YORK, NEW YORK 10019
HEAD QUARTERS OF Planned Parenthood Federation of America, Inc.

Dear Friend,

"TANTAMOUNT TO SEVERE PUNISHMENT . . ."

. . . That's how one dissenting Justice describes the United States Supreme Court's recent decision upholding the Hyde Amendment which denies poor women federally funded abortions.

But the so-called Right-to-Lifers are elated. The Court ruling boosts their drive to ban abortions and contraceptive devices as well.

Here are some of the goals the Right-to-Life forces have set in their campaign to outlaw all abortion and ban most methods of contraception.

- Amend The Constitution -- The votes of 34 states are needed to call a Constitutional Convention. Already the Right-to-Life forces have succeeded in winning the votes of 19 states. Congress can also vote for a Constitutional Amendment. Already the Right-to-Life forces have won nearly a majority of Congressmen and Senators in support of their Human Life Amendment. Only two-thirds are needed to bring their Human Life Amendment out of Congress and put it before the States for ratification!

- Purge Progressive Political Leaders -- In an effort to eliminate Congressmen and Senators who defend family planning rights, the Right-to-Lifers, backed by the extreme Right Wing, have mounted a massive campaign to destroy the political careers of some of this nation's most courageous leaders.

  They've drawn up a "hit list" aimed at defeating men like Senators Bayh, Culver, McGovern and Packwood, and Representatives Morris Udall and Joe Fisher.

  Judging from the amount of money they're spending and the recent polls I've seen, they're dangerously close to defeating some of the most effective voices we have on our side.

- On to The Presidency -- They've gone beyond Congress to the Presidency. Ronald Reagan strongly supports The Human Life Amendment and his candidacy is backed by a platform which these extremists helped forge. A platform which calls for abolition of abortion . . . passage of The Human Life Amendment . . . and -- unbelieveable as it sounds -- a "litmus test" for new appointments to the federal judiciary. A test designed to insure that new judges would not decide a case in favor of abortion.

(over, please)

That is why . . .

We at PLANNED PARENTHOOD are asking you and all Americans who truly value our fundamental rights to no longer remain silent but to stand up and be counted with us to stop the zealous minority who wish to impose their dogmatic will upon us all.

PLANNED PARENTHOOD is by no means a newcomer to the human rights scene. Quite the contrary! For over sixty years we have been the acknowledged preeminent force in advancing the right of all Americans to know the facts about their bodies and in defending our right to determine our own fertility. Actually, PLANNED PARENTHOOD has been quietly helping so many millions upon millions of women, men and families for so long that we have come to be considered a highly respected part of the establishment -- the progressive, thinking establishment, at least!

But that was not always the case. What many people, even those who have directly benefited from our family-planning work, do not know is that PLANNED PARENTHOOD was founded by a determined woman who was jailed many times before she saw her dream become reality.

Margaret Sanger, an American pioneer in the truest and noblest self-sacrificing sense, was committed to seeing that the poor women in 1916 did not have their "right to life" destroyed by a cycle of oversized families and poverty. And she dedicated her own life to freeing these helpless women from a succession of unwanted pregnancies, which often led to early deaths in childbirth. And she launched her courageous crusade: To educate American parents on how to control the size of their families -- how to plan parenthood. For this "crime" she was arrested and jailed time and again. Yet, on each release from imprisonment, Margaret Sanger with quiet determination returned to her just cause: freeing women the world over from the slavery of uncontrolled reproduction.

Today, her dream -- PLANNED PARENTHOOD -- is a reality with over 100,000 supporters, 20,000 active volunteers, over 700 clinics in the United States, and with programs in 111 foreign countries. And now, more than 100 years after her birth, Margaret Sanger's memory is honored throughout the world by men and women who understand her monumental achievements for humanity.

Yet, the same kind of thinking which sent Mrs. Sanger to jail is still with us. Often it takes an ugly form. When clinics were burned we saw it explode into violence that threatened lives and property. Most importantly, this effort to impose the beliefs of some on the rest of us threatens our most cherished rights and freedoms.

-- Although seven years earlier the Supreme Court had ruled that a woman has the right to choose when and if to bear a child, the Court's Hyde decision in June of this year is a clear victory for anti-abortionists in their battle of coercion and intimidation to negate the right to choice. Thus, while polls show that the majority of Americans favor legalized abortions,

(next page, please)

militant anti-abortion elements have badgered Congress into cutting off all federal funds for abortions. The result: poverty-stricken women, those who most desperately need to exercise their right of choice, are forced to resort to the dangers of self-induced abortions or to the degradation of motel-room butchers.

-- Where local funding for abortions is still available to those in need, the anti-abortionists are browbeating legislators into restricting or curtailing available funds. And, where they fail, they often rely on their ultimate weapon -- violence -- vandalizing the clinics which offer impoverished women their only hope for a safe abortion, and threatening the lives of the staffs.

-- While the Right-to-Lifers and their right-wing allies have kept a low profile on their staunch opposition to contraception, they are now becoming more and more vociferous in demanding the banning of "the Pill" and IUDs which they term "silent abortion" methods. In their headstrong drive to outlaw these proven birth-control devices, they again demonstrate their misplaced concern for a fertilized egg over the truly living.

-- With teenage pregnancies now openly acknowledged as a rampant "epidemic" (one million a year; two every minute!), there are still those who wish to force us to bury our heads in the sands of ignorance when it comes to sex education. They refuse to face the facts of life -- that sex education provides teenagers with a true understanding of their sexuality and their sexual responsibility. Sexual ignorance or misinformation gleaned on street corners leads to frightening statistics such as these: babies born to teenage mothers are two to three times more likely to die in their first year; teen maternal death risk is 60% higher than for mothers in their twenties; unwanted babies cause 80% of their teenage parents to drop out of school and usually onto welfare; clandestine and self-induced abortions threaten the lives and future health of thousands of young girls every year!

And while those who vehemently oppose legalized abortion, contraception, sex education and family planning are fighting to nullify our right to determine our own fertility, they are also threatening all our civil rights. So adamant are these short-sighted extremists to impose their beliefs upon all Americans that they are calling for a Constitutional Convention to strip all women of their right to abortion! BUT . . .

A WARNING: Once a Constitutional Convention is called -- for whatever reasons -- there is absolutely no restriction on the

(over, please)

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areas of this document that can be tampered with or entirely re-written. And the extreme right-wingers, who have joined the anti-choice forces in calling for this convention, see it as their golden opportunity to remold even the Bill of Rights to their own views.

The threat of a Constitutional Convention dominated by the so-called "Pro-Life" forces is real! Already 19 state legislatures have caved in under the incredible pressure mounted by the anti-choice zealots and have passed resolutions calling for the convention. Only 15 more states have to follow suit. Then Congress would be forced -- by the Constitution itself -- to call a convention that could mean the end of personal freedoms and civil liberties we have known since this nation was founded.

If you have not fully realized the true extent of the danger facing us all, you are not alone. Many PLANNED PARENTHOOD supporters and even staff members have felt we should ignore the Right-to-Lifers and quietly continue our vital activities in the name of humanity, as we have for over 60 years. However, the recent Supreme Court ruling, which seriously abridges the right of poor women to choose, the reign of terror against pro-choice groups in the form of clinic burning and harassment of patients and the horrifying prospect of a Constitutional Convention, have welded us all into a firm resolve to . . .

STOP the insane headlong rush toward a Constitutional Convention by awakening all Americans to the real threat it poses to us all. We must create a groundswell of grassroots opposition that will silence the rantings of the anti-choice minority and the right-wing fanatics.

STOP the blatant discrimination against poor women by challenging in the Congress and the state legislatures the cut-off of funds for abortions.

STOP the rising tide of red-tape restrictions on legal abortions, foisted on municipal and state governments by anti-choice factions. The vast bulk of these regulations are purely technical barriers to prevent women from exercising their personal right to an abortion, a freedom the Supreme Court has declared as constitutionally theirs and has now seriously undermined with its Hyde decision.

STOP the further erosion of a woman's right to choose by well-funded zealots who are pushing for more restrictive legislation, more stringent court rulings, and, worst of all, a constitutional amendment that would make all abortions illegal!

STOP the return to the "dark ages" of back-room and self-induced abortions, by establishing an emergency loan program which will

(next page, please)

help finance safe, professional abortions for women in financial need who have been ruthlessly denied federal and state funds.

STOP the spread of teenage pregnancies which now extends across every ethnic and financial group in the nation. The only way we can curb this tragedy is by instilling in each teenager sexual understanding and responsibility, before he or she becomes another unprepared parent of yet another unwanted, unloved child.

What we at PLANNED PARENTHOOD cannot and will not stop is the uninterrupted delivery of the life-enriching services we provide, regardless of the threats against us.

However, to meet the challenge of those who wish to plunge us all back into the "sex-is-taboo" mentality of Margaret Sanger's day and, at the same time, to maintain our vital ongoing programs, places an enormous demand upon our finances.

Therefore, we at PLANNED PARENTHOOD seek your personal support.

In 1916, Margaret Sanger suffered unrelenting ridicule, arrests and jail sentences before she saw her unfailing belief in the right of all men and women to intelligently plan their parenthood become a reality in PLANNED PARENTHOOD. For the last few years, our professional medical staffs and thousands of volunteers have bravely worked under threats of harassment and violence in order to guarantee that the most personal of all our civil liberties is not destroyed.

Now, we at PLANNED PARENTHOOD do not ask that you make such a personal sacrifice. We only ask that you look to your conscience and then contribute what you can. Every dollar you send us will be immediately put to full use to help us carry on our humanitarian services, helping people the world over plan their parenthood.

Sincerely,

Faye Wattleton

Faye Wattleton
President

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

May 28, 1981

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

Re: MUR 1258 and MUR 1359

Dear Lee:

I am very sorry that our responses, enclosed herewith, to your Request to Answer Questions and Produce Documents has taken this long. I have had to accumulate this information from several different people in NRLC and through a computer search of our mailing lists. In addition, I asked my secretary, Mary Winn, to contact the non-member contributors to determine the reasons for their contributions. I hope this information is still provided to you on a timely basis.

With respect to MUR 1258, as you can see from the answers to interrogatories, NRLPAC received no contributions as a result of this mailing. In addition, you will note in the May 7, 1981, letter from our computer house, Masser Systems, Inc., that of the 97,791 pieces mailed, only 375 went to Congressman Hyde's district and 212 to Congressman Dornan's. This represented 0.38% and 0.22% of those mailed. This inadvertent and unintentional reference to the Hyde and Dornan campaigns had no effect on the election. In addition, the mailing was obviously not directed with any such intent. In addition, the reference to NRLPAC resulted in no benefit to it in contributions. This matter, therefore, is so insignificant in its intent and result that it should be dismissed.

With reference to MUR 1359, the answers to questions reveal that approximately 5,000 copies of the July, 1980 Political Profiles Report were distributed by the publishers of that Report to the delegates to the Republican and Democratic National Conventions. NRLPAC purchased an ad for $450.00 in order to publicize the assistance and services available through the PAC. No solicitation was intended and, as the answers reveal, no contributions were received as a result of this ad. As a result, this matter is also so insignificant in its intent and result that it too should be dismissed.

If I might further assist you in this matter, please let me know.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw
Enclosures
cc: John C. Willke
Warren Sweeney
Sandra Faucher
Mary Hunt

GCC # 4784

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

RE: MUR 1258

RESPONSE TO REQUEST TO ANSWER QUESTIONS
AND PRODUCE DOCUMENTS

Comes now James Bopp, Jr., General Counsel for the National Right to Life Committee, Inc. and attorney for the respondent herein, and in response to questions propounded by the Federal Election Commission, alleges and says that:

1. Please state whether the National Right to Life Committee, Inc. ("NRLC") is an incorporated organization? If the answer to this question is yes, please submit the organization's articles of incorporation, bylaws, and a copy of the state charter under which the corporation is registered.

ANSWER: Yes. Attached.

2. Please state whether NRLC is a membership organization.

ANSWER: Yes.

3. Please state how NRLC determines membership status for purposes of communications with members of the organization.

ANSWER: A person is an associate member of NRLC for purposes of solicitation by NRLPAC if

(1) The person is an individual rather than a corporation.
(2) The person subscribes to the purposes of NRLC.
(3) The person pays dues of $3.00 or more every two years.
(4) The person affirmatively indicates a desire to become a member of NRLC.

4. Please state whether NRLC endorsed the reelection of Representatives Dornan and Hyde in the 1980 elections? If the answer to this question is yes, please supply the Commission with copies of any material which have been disseminated to the general public by NRLC expressing this endorsement.

ANSWER: No. NRLPAC, however, did endorse Representatives Dornan and Hyde for reelection in the 1980 election.

5. Please state whether NRLC paid with corporate funds the costs associated with the preparation, printing, and distribution of the June 1980, letter titled "Federal Regulations Threaten Right to Life," dated Monday morning, June 1980. If the answer to this question is no, please identify the source of funds used by NRLC to pay for the costs associated with the June 1980, newsletter.

ANSWER: Yes.

6. Please state whether any copies of NRLC written communications were distributed to the general public in the calendar years 1979 and 1980. If the answer to this question is yes, please submit a copy of each to the Commission and state for each communication:

a. How many were printed?
b. How many copies were distributed to the general public?
c. What was the total cost of each of these communications to NRLC?

ANSWER: Pursuant to telephone discussion with Lee Andersen of the FEC, this Interrogatory was modified to request only information regarding the June, 1980 direct mail appeal which is the subject of this complaint. Regarding the June, 1980 appeal:

(1) 97,791. See Masser letter attached hereto.
(2) All.
(3) $15,257.77 is total cost.

Printing	$9,363.58	Postage	$3,035.15
Mailing	2,133.11	Labels	725.93

7. Please state whether during the period from June 1980, through the present, the National Right to Life Political Action Committee ("NRL-PAC") has received any contributions in response to the June 1980, newsletter identified in question No. 5.

ANSWER: No. Between July 1, 1980, and April 9, 1981, NRLPAC received $71,330.17 from 2,946 members of NRLC as a result of two direct mail appeals to members of NRLC. During the same period, NRLPAC received contributions from seven non-members who contributed $328.00. See Masser letter attached hereto. None of these non-members contributed to NRLPAC as a result of the June, 1980 direct mail appeal letter of NRLC soliciting contributions to NRLC. See Winn affidavit attached hereto.

8. If the answer to question No. 7 is yes, please state how many of these contributions were made to NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

9. If the answer to question No. 7 is yes, please state the total dollar amount received by NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

ANSWER: N/A

10. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the June 1980, letter described in interrogatory number 5.

ANSWER: See Answer to Interrogatory No. 6.

11. Please submit to the Commission a copy of all NRLC written communications distributed to members of the NRLC during the calendar years 1979 and 1980.

ANSWER: See Answer to Interrogatory No. 6. Copies of invoices will be provided on request.

Respectfully submitted,

BRAMES, BOPP & HAYNES

By: _____
James Bopp, Jr., General Counsel
National Right to Life Committee, Inc.

BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, IN 47807
812-238-2421

STATE OF INDIANA)
(SS:
COUNTY OF VIGO)

AFFIDAVIT OF MARY WINN

I, Mary Winn, secretary in the law firm of Brames, Bopp & Haynes, 900 Sycamore Building, Terre Haute, IN 47807, being duly sworn upon my oath, do hereby swear and affirm as follows:

1. During the week of May 25, 1981, I made repeated attempts to contact the persons listed as Exhibit #1, attached hereto, to determine what caused or motivated them to contribute to the National Right to Life Political Action Committee on the date listed therein.

2. During that period of time, I was able to contact four of these individuals or their immediate family. Despite repeated attempts, I received no answer at the homes of C. Casey and Michael Gask and I was unable to obtain a phone number for Pruella Gibson.

3. Of the four persons or their immediate family which I personally contacted, reasons given me for the contribution to NRLPAC were:

(a) Mr. and Mrs. Douglas Johnson, new employee of NRLC;
(b) Robert F. Lorenz, didn't know;
(c) William L. Sloss, unsure; and
(d) Mr. and Mrs. Bernard Zollner, suggestion of a friend.

4. None of the persons whom I contacted indicated to me that they contributed to NRLPAC because of either the ad for NRLPAC in the July, 1980, PPI Report or the June, 1980 direct mail appeal for NRLC.

I have read the foregoing statement and it is true to the best of my knowledge and belief.

Further affiant sayeth naught.

Mary Winn
Mary Winn, Affiant

Subscribed and sworn to before me this 28th day of May, 1981.

Julia M. Combs
Julia M. Combs, Notary Public
County of Residence: Vigo

My Commission Expires
July 9, 1984

Exhibit #1

MASSER SYSTEMS INCORPORATED

May 20, 1981

NAME & ADDRESS	DATE	AMOUNT
C Casey 5112 Windyridge Kalamazoo, MI 49001	12/30/80	50.00
Michael Gask 255 E 176th St Bronx, NY 10457	10/30/80	10.00
Pruella Gibson 180 Province St Richford, VT 05476	2/27/81	10.00
Mr. & Mrs. Douglas Johnson 1708 Matthews Lane Austin, TX 78745	10/30/80	8.00
Robert F. Lorenz 12600 W Grove Terrace Elm Grove, WI 53122	10/07/80	100.00
William L. Sloss 10 Summit Lake Zurich, IL 60047	10/30/80	100.00
Mr. & Mrs. Bernard Zollner 17109 Mt View Lane NE Woodburn, OR 97071	12/30/80	50.00
	TOTAL	$ 328.00

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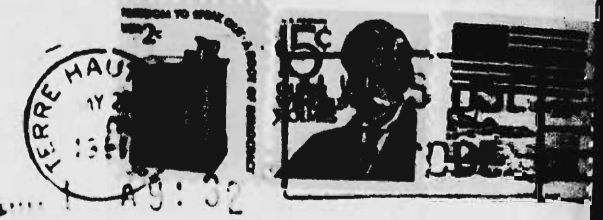
5020 SUNNYSIDE AVENUE SUITE M2 BELTSVILLE MARYLAND 20705 (301) 474-2220

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807



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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY CUSTER

DATE: MAY 20, 1981

SUBJECT: MUR 1258 Interim Investigative Report #2, dated May 15, 1981; Received in OCS, 5-18-81, 3:51

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, May 19, 1981.

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

May 18, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1258

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

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BEFORE THE FEDERAL ELECTION COMMISSION

May 15, 1981

SENSITIVE

In the Matter of	)	
	)	
National Right to Life Committee, Inc., and National Right to Life Political Action Committee	)	MUR 1258

INTERIM INVESTIGATIVE REPORT #2

In our March 20, 1981, interim report to the Commission, we indicated that we were waiting for information from respondents regarding the allegations in this matter, but that respondents had reported some difficulty in gathering this information. The status of this matter has not changed. In a telephone conversation on May 12, 1981, counsel for respondent indicated that not all the information requested by the Commission had been collected as yet.

In that over five months has passed since the Commission found reason to believe in this matter, the Office of General Counsel is going forward with a brief to the Commission on the issues regardless of whether the respondents have yet answered all of the questions asked by the Commission. We expect to report to the Commission in two weeks.

19 May 1981
Date

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE /JODY CUSTER JC

DATE: MARCH 25, 1981

SUBJECT: MUR 1258 - Interim Investigative Report #1, dated 3-20-81; Received in OCS, 3-23-81, 5:34

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, March 24, 1981.

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE /JODY CUSTER JC

DATE: MARCH 25, 1981

SUBJECT: COMMENTS REGARDING MUR 1258

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding MUR 1258.

ATTACHMENT:
Copy of Vote Sheet

March 23, 1981

MEMORANDUM TO: Marjorie W. Emmons

FROM; Elissa T. Garr

SUBJECT: MUR 1258

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

9110 13

GCC 3754

81 JAN 15 P2:25

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

January 12, 1981

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

81 JAN 15 P3:11

Re: MUR 1258 (80)

Dear Mr. Andersen:

I recently received a letter from the Federal Election Commission regarding this matter sent on December 17, 1980. This letter informs me that the Federal Election Commission has determined that there is reason to believe that the National Right to Life Committee and the National Right to Life PAC have violated 2 U.S.C.Section 441b by endorsing the candidacies of U. S. Representative Dornan and Hyde and NRL PAC has illegally solicited persons in violation of 2 U.S.C.Section 441b(b)(4)(A) and (C).

I have discussed this matter with my client and they are obviously disappointed and distressed by this action of the Commission. As I believe it is clear from the letter in question itself and from our previous correspondence with you, my clients had no intention or desire to violate portions of this Act. If it is in fact determined that they have, such a violation was purely inadvertent and had no effect either upon the election of Congressman Hyde and Dornan or upon funds which the NRL PAC were able to receive. At best, this is a technical violation of the Act which resulted in no substantial effect.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:maw

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 17, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

The Federal Election Commission notified your clients, National Right to Life, Inc. ("NRLC") and National Right to Life Political Action Committee ("NRL-PAC"), on July 18, 1980, of a complaint which alleges that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLC and NRL-PAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on November 2, 1980, determined that there is reason to believe that NRLC and NRL-PAC may have violated 2 U.S.C. § 441b specifically, it appears that: (1) your client, NRLC, endorsed the candidacies of U.S. Representatives Dornan and Hyde in the June 1980, letter complained of in this matter thereby making a prohibited expenditure in connection with a federal election in violation of 2 U.S.C. §441b(a) and (2) your client, NRL-PAC, illegally solicited persons who were not members of NRLC for contributions to the former organization in violation of 2 U.S.C. §441b(b)(4)(A) and (C).

We acknowledge receipt of your explanation of this matter which was dated August 26, 1980, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe that

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violations have 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,

JOHN WARREN McGARRY
Acting Chairman for the
Federal Election Commission

1258 Andersen

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 Bopp, Jr.

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. 947607 | INSURED NO.

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY | POSTMARK

5. ADDRESS (Complete only if requested)

6. Charges for DELIVERY (Extra fee) | CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-289-848

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NATIONAL RIGHT TO LIFE, INC. MUR 1258
James Bopp, Jr.

REQUEST TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS

1. Please state whether the National Right to Life Committee, Inc. ("NRLC") is an incorporated organization? If the answer to this question is yes, please submit the organization's articles of incorporation, bylaws, and a copy of the state charter under which the corporation is registered.

2. Please state whether NRLC is a membership organization.

3. Please state how NRLC determines membership status for purposes of communications with members of the organization.

4. Please state whether NRLC endorsed the reelection of Representatives Dornan and Hyde in the 1980 elections? If the answer to this question is yes, please supply the Commission with copies of any material which have been disseminated to the general public by NRLC expressing this endorsement.

5. Please state whether NRLC paid with corporate funds the costs associated with the preparation, printing, and distribution of the June 1980, letter titled "Federal Regulations Threaten Right to Life," dated Monday morning, June 1980. If the answer to this question is no, please identify the source of funds used by NRLC to pay for the costs associated with the June 1980, newsletter.

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6. Please state whether any copies of NRLC written communications were distributed to the general public in the calendar years 1979 and 1980. If the answer to this question is yes, please submit a copy of each to the Commission and state for each communication:

   a. How many were printed?

   b. How many copies were distributed to the general public?

   c. What was the total cost of each of these communications to NRLC?

7. Please state whether during the period from June 1980, through the present, the National Right to Life Political Action Committee ("NRL-PAC") has received any contributions in response to the June 1980, newsletter identified in question No. 5.

8. If the answer to question No. 7 is yes, please state how many of these contributions were made to NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

9. If the answer to question No. 7 is yes, please state the total dollar amount received by NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

10. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the June 1980, letter described in interrogatory number 5.

11. Please submit to the Commission a copy of all NRLC written communications distributed to members of the NRLC during the calendar years 1979 and 1980.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

RLM

Re: MUR 1258

Dear Mr. Bopp:

The Federal Election Commission notified your clients, National Right to Life, Inc. ("NRLC") and National Right to Life Political Action Committee ("NRL-PAC"), on July 18, 1980, of a complaint which alleges that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLC and NRL-PAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on November 2, 1980, determined that there is reason to believe that NRLC and NRL-PAC may have violated 2 U.S.C. § 441b specifically, it appears that: (1) your client, NRLC, endorsed the candidacies of U.S. Representatives Dornan and Hyde in the June 1980, letter complained of in this matter thereby making a prohibited expenditure in connection with a federal election in violation of 2 U.S.C. §441b(a) and (2) your client, NRL-PAC, illegally solicited persons who were not members of NRLC for contributions to the former organization in violation of 2 U.S.C. §441b(b)(4)(A) and (C).

We acknowledge receipt of your explanation of this matter which was dated August 26, 1980, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe that

violations have 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,

12704035347

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: DECEMBER 16, 1980

SUBJECT: MUR 1258 - Memorandum to the Commission dated 12-12-80; Received in OCS 12-12-80, 4:33

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, December 15, 1980.

There were no objections to the revised letter and modified interrogatories, as submitted with the above-named memorandum, at the time of the deadline.

December 12, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1258

Please have the attached Memo distributed to the Commission on a 24 hour no-objection basis. Thank you.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 12, 1980

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1258

Attached is one copy each of a revised letter to respondents and modified interrogatories in MUR 1258. These were prepared in light of the Commission's December 2, 1980, decision to find reason to believe that the National Right to Life Political Action Committee solicited contributions from persons who were not members of the parent group, National Right to Life Committee, Inc., in violation of 2 U.SC.. § 441b.

80 DEC 12 P4: 33

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

The Federal Election Commission notified your clients, National Right to Life, Inc. ("NRLC") and National Right to Life Political Action Committee ("NRL-PAC"), on July 18, 1980, of a complaint which alleges that they may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). Copies of the complaint were forwarded to NRLC and NRL-PAC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on November 2, 1980, determined that there is reason to believe that NRLC and NRL-PAC may have violated 2 U.S.C. § 441b specifically, it appears that: (1) your client, NRLC, endorsed the candidacies of U.S. Representatives Dornan and Hyde in the June 1980, letter complained of in this matter thereby making a prohibited expenditure in connection with a federal election in violation of 2 U.S.C. §441b(a) and (2) your client, NRL-PAC, illegally solicited persons who were not members of NRLC for contributions to the former organization in violation of 2 U.S.C. §441b(b)(4)(A) and (C).

We acknowledge receipt of your explanation of this matter which was dated August 26, 1980, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, the Commission may find probable cause to believe that

violations have 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,

NATIONAL RIGHT TO LIFE, INC. MUR 1258
James Bopp, Jr.

REQUEST TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS

1. Please state whether the National Right to Life Committee, Inc. ("NRLC") is an incorporated organization? If the answer to this question is yes, please submit the organization's articles of incorporation, bylaws, and a copy of the state charter under which the corporation is registered.

2. Please state whether NRLC is a membership organization.

3. Please state how NRLC determines membership status for purposes of communications with members of the organization.

4. Please state whether NRLC endorsed the reelection of Representatives Dornan and Hyde in the 1980 elections? If the answer to this question is yes, please supply the Commission with copies of any material which have been disseminated to the general public by NRLC expressing this endorsement.

5. Please state whether NRLC paid with corporate funds the costs associated with the preparation, printing, and distribution of the June 1980, letter titled "Federal Regulations Threaten Right to Life," dated Monday morning, June 1980. If the answer to this question is no, please identify the source of funds used by NRLC to pay for the costs associated with the June 1980, newsletter.

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6. Please state whether any copies of NRLC written communications were distributed to the general public in the calendar years 1979 and 1980. If the answer to this question is yes, please submit a copy of each to the Commission and state for each communication:

   a. How many were printed?

   b. How many copies were distributed to the general public?

   c. What was the total cost of each of these communications to NRLC?

7. Please state whether during the period from June 1980, through the present, the National Right to Life Political Action Committee ("NRL-PAC") has received any contributions in response to the June 1980, newsletter identified in question No. 5.

8. If the answer to question No. 7 is yes, please state how many of these contributions were made to NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

9. If the answer to question No. 7 is yes, please state the total dollar amount received by NRL-PAC from persons who were not members of NRLC at the time such contributions were made.

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10. Please submit to the Commission all documents showing the various costs associated with the printing, publication and dissemination of the June 1980, letter described in interrogatory number 5.

11. Please submit to the Commission a copy of all NRLC written communications distributed to members of the NRLC during the calendar years 1979 and 1980.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
National Right to Life Committee	)	MUR 1258
National Right to Life - Political Action Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission's Executive Session on December 2, 1980 do hereby certify that the Commission took the following actions in MUR 1258:

1. Decided by a vote of 4-2 to find reason to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. §441b by soliciting non-members for contributions to National Right to Life Political Action Committee.

2. Decided by a vote of 4-2 to find reason to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. §441b by making expenditures in connection with the elections of Representatives Hyde and Dornan through the endorsement of these candidates for federal office in the fundraising letter of June 1980.

Commissioners Harris, McGarry, Reiche, and Tiernan voted affirmatively for these decisions; Commissioners Aikens and Friedersdorf dissented.

3. Decided by a vote of 6-0 to direct the Office of General Counsel to circulate for Commission approval appropriate revised draft letters and interrogatories to the respondents.

Attest:

12/5/80
Date

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

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: NOVEMBER 28, 1980

SUBJECT: ADDITIONAL OBJECTIONS - MUR 1258 - First General Counsel's Report dated 11-25-80

You were notified previously of an objection by Commissioners Friedersdorf and Reiche.

Commissioner Harris submitted his objection at 2:03, this date; and Commissioner Aikens submitted a "No" vote.

This matter will be discussed in executive session on Tuesday, December 2, 1980.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MWE

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY mc
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: NOVEMBER 26, 1980

SUBJECT: ADDITIONAL OBJECTION TO MUR 1258 - First General Counsel's Report dated 11-25-80

You were notified previously of an objection by Commissioner Friedersdorf to the above-named document.

Commissioner Reiche submitted his objection at 2:31, November 26, 1980.

This matter will be discussed in executive session on Tuesday, December 2, 1980.

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

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: NOVEMBER 26, 1980

SUBJECT: OBJECTION - MUR 1258 - First General Counsel's Report dated 11-25-80; Received in OCS 11-25-80, 10:45

The above-named document was circulated on a 48 hour vote basis at 4:00, November 25, 1980.

Commissioner Friedersdorf submitted his objection at 4:25, November 25, 1980.

This matter will be placed on the Executive Session Agenda for Tuesday, December 2, 1980.

9 5 9 3 5 0 4 0 2

November 25, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1258

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

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

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARY
80 NOV 25 A10: 45

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 11-25-80

MUR 1258
DATE COMPLAINT RECEIVED
BY OGC: July 14, 1980
STAFF MEMBER:
R. Lee Andersen

COMPLAINANT'S NAME: National Abortion Rights Action League, Gail M. Harmon

RESPONDENTS' NAME: National Right to Life Committee
National Right to Life - Political Action Committee

RELEVANT STATUTE: 2 U.S.C. §§ 441b, 441d and 434

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On July 14, 1980, the National Abortion Rights Action League ("NARAL") filed a signed and sworn complaint (Attachment I) against respondent National Right to Life Political Action Committee ("NRL-PAC") alleging that the latter committed violations of 2 U.S.C. § 441b of the Federal Election Campaign Act of 1971, as amended, (the "Act") by soliciting contributions from non-members of the connected organization, National Right to Life Committee, Inc. ("NRLC"), and by making expenditures in connection with a federal election by endorsing the candidacies of two incumbent U.S. Representatives. Both of the alleged violations were accomplished through a letter ostensibly sent to former members of NRLC whose memberships had expired at least nine months prior to the mailing of the letter. The NRLC, through its attorney, responded to the complaint on August 28, 1980 (Attachment II).

FACTUAL AND LEGAL ANALYSIS

A. Solicitation of Non-Members

2 U.S.C. § 441b prohibits a separate segregated fund set up by a membership corporation without capital stock from soliciting persons other than members of the corporation for contributions to such a fund. 2 U.S.C. § 441b(b)(4)(A) and (C). This basic

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statutory restriction has been further clarified in several advisory opinions. Advisory Opinion 1976-27, citing a colloqy among Senators Allen, Cannon and Packwood, states that "informing persons of a fundraising activity is considered a solicitation." Advisory Opinion 1976-96, quoting a statement by Representative Hays explaining the operation of corporate and labor union solicitation provisions in the 1976 amendments to the Act, noted that "any action [that] could fairly be considered a request for a contribution should be treated as a solicition." This standard was reiterated in more recent Advisory Opinions, 1978-17 and 1979-13. But see dissent of Commissioners Aikens and Friedersdorf in Advisory Opinion 1979-13.

The question before the Commission is whether the NRLC letter "could fairly be considered a request for contribution" to NRL-PAC. Exhibit B attached to NARAL's complaint is the letter in question. The letter calls for those persons whose memberships in NRLC have expired to rejoin NRLC describing the kinds of activities which will be undertaken by NRLC. The letter also clearly discusses the importance of the work of NRL-PAC. It discusses what has been done to influence political events and what needs to be done by the PAC. For example, the letter states, "The National Right to Life Political Action Committee made its first endorsements in January, 1980. We have since achieved victories in Nebraska, Pennsylvania, New Hampshire, and Illinois" (see page 1 of the letter). However, the letter expressly denies that it is soliciting contributions for NRL-PAC. Specifically, the letter states, "Because you have not contributed to NRLC since before September, 1979, you are not a member of Right to Life. I cannot ask you to help the National Right to Life Political Action Committee" (see page 1 of the letter). Additionally, the letter states, "Because of federal regulations, only our National Right to Life Political Action Committee may become directly involved in these vital election efforts. And the federal government will not allow me to ask anyone but the present membership of NRLC to contribute to the Political Action Committee" (see page 2 of the letter).

Thus the intent and purpose of the fundraising letter is ambiguous. It obviously informs persons that there is a need for fundraising activity to help NRL-PAC, but comparing the present matter to the facts of Advisory Opinion 1976-27, it is not clear that the letter informs the reader of a fundraising activity as was the case in that advisory opinion.1/ There is no specific

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1/ In Advisory Opinion 1976-27 a trade association was intending to inform stockholders and executive or administrative personnel of a solicitation. Some of the member corporations had not given prior permission to the trade association to solicit these persons. The Commission determined that in order to avoid running afoul of 2 U.S.C. § 441b(b)(4)(B), specific approval must be had from the member corporation because informing these persons of the solicitation would be the equivalent of soliciting them.

activity mentioned in the letter -- just the general proposition that NRL-PAC needs money and a discussion that the PAC is doing important work and will continue to do such work with this money.

The question posed by Representative Hays which was quoted in Advisory Opinion 1976-96, whether the action "could fairly be considered a request for contribution", seems to imply that the Commission should take a balancing approach to the situation looking at the questioned activity in its entirety. And in this context, the communication, while alerting the reader to the needs of NRL-PAC, steadfastly holds to its stated appeal for a renewal of membership in NRLC. There is no application blank or instruction telling the reader how he or she can contribute to NRL-PAC once a membership in NRLC had been reestablished. The most unambiguous expressions of the intent of the letter are those which inform the reader that he or she cannot, due to federal regulations, presently contribute to NRL-PAC, and further, encourage participation only in NRLC through membership in the latter organization. The Office of General Counsel feels that this is a close question, but, taken as a whole the evidence supports NRLC's contention that the "tenor, tone and direction" of the fundraising letter was to increase the membership of NRLC, only incidentally informing the potential members about NRL-PAC (see response of NRLC attached as Attachment II at page 1). Therefore, the Office of General Counsel recommends that the Commission find no reason to believe that respondent NRLC committed a violation of 441b by soliciting non-members of NRLC for contributions to NRL-PAC.

B. Endorsement of Representatives Dornan and Hyde

With respect to the allegations of illegal endorsement of Representatives Dornan and Hyde, the NRLC fundraising letter is not so ambiguous. The letter states in relevant part, "We must: re-elect Congressman Hyde and Dornan ..." (see page 2 of the letter). NARAL characterizes this statement as a corporate contribution to these congressmen in violation of the 2 U.S.C. § 441b prohibition. Contrary to the representations of NRLC in its letter of August 28, 1980, (see Attachment II) the statements in the NRLC letter are not merely a "generic reference to persons in the House of Representatives who are pro-life." There is little doubt that the statement expressly advocates the election of the clearly identifiable candidates, Hyde and Dornan. The statements are expressions of support for these two candidates and are endorsements in any usual sense of the word. As such, the statements are clearly prohibited by 2 U.S.C. § 441b which forbids expenditures by a corporation in connection with any federal election.

NRLC argues that if the statements should be interpreted by the Commission as political expenditures, they must be

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viewed as independent expenditures, stating that the "statute would not be implicated since this contribution was not made to the candidate, his campaign committee or any political party or organization." NRLC cites no authority for this novel interpretation of the Act clearly ignoring the basic premise of 2 U.S.C. § 441b which generally prohibits any corporate expenditures or contributions except in those limited circumstances specifically exempted in the Act. See 2 U.S.C. §§ 431(9)(B) and 441b(b)(2) and (4)(C).

NRLC also argues that its interpretation of 2 U.S.C. § 441b would somehow "[save] it from unconstitutionality" (see Attachment II at page 3). NRLC states that in FEC v. Weinsten, 462 F.Supp 243 (S.D. N.Y. 1978), the district court held that the First Amendment is implicated by the 2 U.S.C. § 441b prohibition, but that compelling considerations necessitated that the statute be upheld. NRLC argues that because no such compelling interests appear in the present matter, the prohibition against corporate political expenditures is not justified and by implication the First Amendment would be violated by employing the 2 U.S.C. § 441b prohibition in these circumstances. However, the compelling interest the court found in Weinsten is also present in this matter. While NRLC may not trade in capital stock, it obviously can manage substantial aggregates of money through the various devices open to the incorporated entity. Furthermore, it is clear that while NRLC may not have stockholders it does have members which are analagous to stockholders or union members the protection of whose interests should be considered a compelling governmental concern. This case does not remove non-profit corporations from the prohibitions of 2 U.S.C. § 441b.2/

2/ The NRLC response cites 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 its claim that the Commission is without jurisdiction in this matter. However, the issue here is not whether the communication 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 the corporation, which is not registered with the Commission as a political committee, made expenditures in connection with a federal election.

NRLC also argues 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 the 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.

In consideration of the above discussion, the Office of General Counsel recommends that the Commission find reason to believe that NRLC committed violations of 2 U.S.C. § 441b by making an expenditure in connection with the elections of Representatives Hyde and Dornan through the endorsement of those candidates for federal office in the fundraising letter of June, 1980.

RECOMMENDATIONS

The Office of General Counsel recommends that the Commission find:

1. No reason to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b by soliciting non-members for contributions to National Right to Life Political Action Committee.

2. Reason to believe that the National Right to Life Committee, Inc. violated 2 U.S.C. § 441b by making expenditures in connection with the elections of Representatives Hyde and Dornan through the endorsement of these candidates for federal office in the fundraising letter of June 1980.

3. Send the attached letter to the National Right to Life Committee, Inc. with interrogatories.

Attachments

1. Complaint
2. Response of National Right to Life Committee
3. Letter to Respondent with interrogatories

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SHELDON, HARMON & WEISS
1725 I STREET, N.W.
SUITE 506
WASHINGTON, D.C. 20006

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

TELEPHONE
(202) 833-9070

July 9, 1980

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

Dear Sir/Madam:

On behalf of the National Abortion Rights Action League ("NARAL"), I am filing the following complaint of violations of Federal Election Laws by the National Right to Life Committee ("NRC") and the National Right to Life Political Action Committee ("NRL-PAC").

NRLC is a non-profit membership corporation organized to lobby the United States Congress on "pro-life" or "anti-choice" issues; NRL-PAC is the separate segregated fund or connected organization of NRLC. NRL-PAC has violated and continues to violate the §441(b) restrictions on solicitation of the general public while NRLC is violating the §441(b) prohibition on contributions or expenditures in connection with any election or political office by any corporation.

The vehicle for both violations is a letter allegedly being mailed only for former members of NRLC, who as such are simply members of the general public. Attachment "A" The letter not only endorses the re-election of two named Congressmen, but repeatedly describes the activity and importance of NRL-PAC. It is apparent that the letter's intent is to inform people of the PAC's activities and to induce them to rejoin so as to contribute to and strengthen the NRL-PAC.

The legislative history of the Federal Election Campaign Act as well as interpretations made in Advisory Opinions (AO 1976-27 and 1979-13) indicate that "solicitation" can include simply informing people of fundraising activity as is done in this letter. Numerous references are made to the huge financial burden the current membership of NRLC has had to shoulder, and the correlations between contributing money and saving "babies'" lives is particularly stressed. Because the emphasis on the activities and need for money by NRL-PAC is so strong, we feel this constitutes a gross attempt by NRL-PAC to circumvent §441(b) by illegally soliciting the general public. A.O. 79-13.

ATTACHMENT I

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While a membership organization may regularly enclose a solicitation along with the dues statement sent to members (AO 1979-68), this letter is clearly not a renewal notice but rather at best a plea to lapsed members to rejoin. Former members have not been in contact with the organization for at least nine months and can no longer be defined as affiliated with NRLC.

Furthermore, NRLC did not limit this solicitation to former members. Attached as Exhibit "B" is an affidavit from Nina Heagstedt who received the solicitation attached as Exhibit "A" but was never a member of NRLC.

In addition, by specifically mentioning the names and endorsing re-election of two Congressmen, NRLC has made an expenditure in connection with an election or political office, a clear violation of §441(b). On February of this year, the U.S. Court of Appeals for the Second Circuit, No. 79-3014, in F.E.C. v. Central Long Island Tax Reform Immediately clarified that the law specifically requires express advocacy of a political nature to constitute an independent expenditure. In the course of sending this letter containing the endorsement, the NRLC has obviously overstepped the bounds of §441(b). NARAL respectfully requests that you investigate this matter fully and promptly.

I have prepared this complaint and believe 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/lc
Enclosures

Signed and subscribed to before me this
11th day of July, 1980.

Eleanor M. Washington
NOTARY PUBLIC
My Commission Expires December 14, 1984

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EXHIBIT "B"

national RIGHT TO LIFE committee, inc.

national office
National Press Building, Suite 341
529 14th Street, N.W., Washington, D.C. 20045

EXECUTIVE COMMITTEE
OFFICERS
MEMBERS
BOARD OF DIRECTORS
FLORIDA
TENNESSEE
ALABAMA
ALASKA
ARIZONA
KANSAS
CALIFORNIA
COLORADO
CONNECTICUT
DELAWARE
DISTRICT OF COLUMBIA
GEORGIA
IDAHO
ILLINOIS
INDIANA
IOWA
KENTUCKY
LOUISIANA
MAINE
MARYLAND
MASSACHUSETTS
MICHIGAN
MINNESOTA
MISSISSIPPI
MISSOURI
MONTANA
NEBRASKA
NEVADA
NEW HAMPSHIRE
NEW JERSEY
NEW MEXICO
NEW YORK
NORTH CAROLINA
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
PENNSYLVANIA
RHODE ISLAND
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS
UTAH
VERMONT
VIRGINIA
WASHINGTON
WEST VIRGINIA
WISCONSIN
WYOMING
AT LARGE DIRECTORS

June 1980
Monday morning

FEDERAL REGULATIONS THREATEN RIGHT TO LIFE

My Dear Friend:

Can the federal government forbid me from asking you to contribute to the political efforts of Right to Life?

Well, it has.

The government has mandated that only members of National Right to Life may be solicited for the Political Action Committee.

Because you have not contributed to NRLC since before September, 1979, you are not a member of Right to Life. I cannot ask you to help the National Right to Life Political Action Committee.

As a result, even though the present membership of NRLC has sacrificed unselfishly to support both National Right to Life and the National Right to Life Political Action Committee, the double burden is proving to be too great.

In spite of having to contend with cumbersome federal requirements, Right to Life must have an organization which is allowed to support candidates who will enact legislation to stop the killing of unborn children.

We must be able to endorse pro-life candidates who are committed to the passage of a Human Life Amendment.

The National Right to Life Political Action Committee made its first endorsements in January, 1980. We have since achieved victories in Nebraska, Pennsylvania, New Hampshire, and Illinois.

Abortion has become a key issue in the presidential primaries.

But that is only the beginning...

(over, please...)

We must:

- **Elect at least six more pro-life United States Senators.**
- Re-elect Congressmen Hyde and Dornan, and others in the House of Representives who have been champions of the unborn.
- Elect a President who will support the cut-off of spending your tax dollars to pay for abortions - and who will appoint Supreme Court Justices who will recognize the humanity of the unborn child.

The National Right to Life Committee cannot do any of these things!

Because of federal regulations, only our National Right to Life Political Action Committee may become directly involved in these vital election efforts.

And the federal government will not allow me to ask anyone but the present membership of NRLC to contribute to the Political Action Committee.

What is the solution?

The present membership of NRLC will dedicate their support to the Political Action Committee, and --

The National Right to Life Committee must double its membership at once.

These new members will insure that...

- Our lobbying and legislative staff will continue their efforts to enact legislation which may save thousands of lives.
- Our attorneys will protect the pro-life movement from the attacks of the anti-life forces of evil.
- Our dedicated Washington staff will keep the line of communication open with the grass-roots Americans in the almost 2,000 affiliates which make up the National Right to Life Committee.
- THE NATIONAL RIGHT TO LIFE NEWS will continue to be the finest and most comprehensive pro-life newspaper in the country.
- The essential Voter Identification Project will contact thousands of Americans to determine their attitude on the issue of abortion.

Yes, I know that doubling our membership is an enormous task.

But you can make it happen. Because it is to you that I am directing this call to action.

You -- because you have contributed to Right to Life. You -- because I know that you care deeply about the yearly death toll of millions of unborn children.

(please read on...)

But it has been nine months, perhaps longer, since you contributed to National Right to Life.

Nine months - the same time it takes a tiny human life to mature within the mother's womb. And in that same nine months, how many babies have been killed?

Unbelievably,

One million two hundred and fifty thousand tiny lives have been deliberately snuffed out in these last nine months.

If you have not contributed to Right to Life since before September 1979, then you must add 139,000 more lives lost for every month since I last heard from you.

And the gruesome toll goes on - month after month - day after day.

In the time it will take you to read this letter, ten more human lives will be sacrificed.

And in the time it will take you to write a check and re-join me in the Right to Life movement, at least six more babies will die.

I know that you do not want to remain silent while millions of God's tiniest human creations are being cut to pieces, scalded to death, or taken alive from their mothers' wombs and left to die.

Won't you re-join Right to Life today? Only you can stop the federal bureaucracy from strangling our efforts to save the unborn in this crucial year of national elections.

Yes, my dear friend, just as America's unborn children are the hope of our country - you are the hope of the pro-life movement.

Please mail the enclosed reply card and the most generous check you can afford in the postage-paid envelope immediately! If your check is for $25 or more, I will see that you receive a year's subscription to THE NATIONAL RIGHT TO LIFE NEWS.

Everyone of us who believes in the humanity of the unborn child must join together to stop the killing. Our consciences will not let us turn away.

Today, re-join the thousands who have said YES to the pleading hands of the unborn.

Yours for life,

Carolyn Gerster, M.D.

Carolyn Gerster, M.D.
President

P.S. I beg you not to delay sending your contribution. Every moment means another life.

(over, please...)

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P.P.S. - Would you please also use the space below to send us the names of your friends and relatives who share your commitment to the saving of innocent babies' lives? If we are to double the size of the pro-life army, we must give all pro-life Americans the opportunity to join this great movement.

Name _____
(Please print)
Address _____
City &
Zip Code _____

Name _____
(Please print)
Address _____
City
Zip Code _____

Name _____
(Please print)
Address _____
City &
Zip Code _____

Name _____
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City &
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THANK YOU!
C.C.

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National Right to Life Committee, Inc.

Dear Dr. Gessler,

Please enroll me in the National Right to Life Committee. That gives me the right to receive the Congressional Report, the National Right to Life News, and the Legislative Alert. I understand that I can be assured of NRLC's support for my work in the most effective manner of God's blessed life shows.

Carolyn Gessler, M.D.

P.S. A portion of NRLC activities are dues-deductible for NATIONAL RIGHT TO LIFE NEWS. If you are enrolled at a lower amount, it will help offset the higher cost of the paper. Your contribution, large or small, will be acknowledged promptly and full credit immediately to your dues.

National Right to Life Committee, Inc.

Dr. Gessler, here is my answer:

☐ YES, I understand I may not receive the NRLC membership.

☐ YES, I realize I can't recommend myself or the billing will go on getting a new and larger.

☐ YES, enroll me immediately. I want to be a member again. Here is the most generous check I can afford for $ _____

Signature _____

HS NINA L HEAGSTEDT EDIT 4Ido 5430
WOMENS REPRESENTATIVE
854 NATL PRESS BLDG
WASHINGTON DC 20045

☐ NO, I do not want to rejoin the Pro Life Movement. (Here's why: (use reverse side)

IF YOU RECEIVED MORE THAN ONE OF THESE CARDS PLEASE RETURN ALL THE MAILING LABELS GROUNDED OFF THOSE WHICH ARE DUPLICATES. THANK YOU

PLEASE FOLD AND MAIL TODAY WITH YOUR GIFT

[84]

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GCC # 2471

Andersen

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

August 26, 1980

80 AUG 28 P 1:38

Mr. Lee Andersen
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1258 (80)

Dear Mr. Andersen:

This letter is in response to the above complaint and your subsequent mailing to me of the fundraising letter of the National Right to Life Committee (NRLC) which apparently served as the basis of the complaint.

In June of 1980, the NRLC made a fundraising solicitation to former members of NRLC. This solicitation was to raise funds for NRLC and to urge former members to renew their membership in the Committee.

The letter discussed the activities of the NRLC and urged the recipient of the letter to rejoin the pro-life movement by renewing their membership in the NRLC. Specific reference was made to the NRL PAC which is a separate segregated fund of NRLC. This reference to NRL PAC included the fact that since the recipient of the letter was not a member of Right to Life that recipient could not be asked to contribute to the political efforts of Right to Life. Only members of the NRLC could contribute to the political efforts of the NRL PAC. In addition, the letter discussed the activities of the PAC regarding its involvement in political campaigns and the other activities of NRLC including lobbying and the National Right to Life News. Enclosed with the letter was a card to return which would renew the person's membership in NRLC and with which they might send a contribution to NRLC.

On the basis of this letter the National Abortion Rights Action League has filed a complaint. Specifically, they complained that this letter violated § 441b as a solicitation of general public for the NRL PAC and violates § 441b as a contribution or expenditure in connection with a federal election by NRLC, a corporation.

The fundraising letter of NRLC referred to above was a solicitation for funds for NRLC not NRL PAC. The letter emphasized the need for support of NRLC by the recipient of the letter because others were supporting the NRL PAC. The whole tenor, tone, and direction of the letter was support for NRLC not the PAC.

ATTACHMENT II

NARAL, however, strained to interpret the letter as a solicitation for NRL PAC on the basis that this letter informed the public of the activities of the NRL PAC. Describing the activities of NRL PAC is not prohibited by the Federal Election Law. As a result, NARAL makes reference to several advisory opinions which considered the fundraising activities of PAC as a solicitation for funds. This letter, however, did not discuss any fundraising activity of NRL PAC. See AO 1978-17; AO 1976-27; AO 1976-96.

In addition, NARAL cites AO 1979-13 in which the Commission found that an article to be included in a corporation's newsletter to all of its employees, which described the activities of the corporation's PAC and praised employees that support it, commending them for understanding the connection between their welfare and government policy toward business, constituted a solicitation of contributions to the PAC. Commissioners Joan D. Aikens and Max L. Friedersdors dissented on the basis that such activity was to remote to constitute a solicitation.

The context of this discussion of NRL PAC activities is different than the one considered in the Advisory Opinion 1979-13. Here, the activities of NRL PAC were discussed in the context of a fundraising letter for NRLC. The point of the letter was to solicit contributions for NRLC and the recipient was told that NRLC was forbidden by the Federal Government to ask the recipient of the letter to contribute to NRL PAC. The discussion of NRL PAC activities in such a context was intended to entice the recipient of the letter to contribute to NRLC. A discussion of NRL PAC activities in such a context was not a solicitation for NRL PAC.

Attempting to apply § 441b in such a context invites a constitutional challenge to the scope of this statute. With the strong considerations of the First Amendment in this area, the constitution requires that a person subject to the law has reasonable notice of the conduct which is prescribed. Applying this section to this act would be unconstitutionally broad. See Federal Election Commission v. American Federation of State, County, and Municipal Employees, 471 F. Supp. 315 (DDC 1979).

In addition, NARAL complained that the reference in the fundraising letter on page two to Congressman Hyde and Dornan constituted an expenditure made in connection with a Federal Election as prohibited by § 441b. The reference to Congressman Hyde and Dornan in the fundraising letter was part of an explanation of the activities of the NRL PAC. The reference to Congressman Hyde and Dornan was a generic reference to persons in the House of Representatives who are pro-life. Both of these figures are well known in the Right to Life movement as champions of the unborn. Their names, therefore, were used to indicate Congressmen in the House of Representatives "who have been champions of the unborn." The reference was not intended to be an endorsement of those individuals.

In addition, the letter specifically refers to the fact that the NRLC cannot be involved in politics including working to elect any candidate. The fundraising letter refers to the fact that "only our NRL PAC may become directly involved in these vital election efforts." This reference did not urge the recipient of the letter to vote for or support any candidate.

Interestingly, NARAL has made similar references to candidates in their own fundraising letters. Obviously, they do not believe such references constitute prescribed political expenditures. In a recent NARAL fundraising letter signed by John B. Anderson, Mr. Anderson refers to efforts to "destroy the political careers of some of the nation's most progressive leaders....Senators like George McGovern, John Culver, Bob Packwood, Birch Bayh, Patrick Leahy. Representatives like Joe Fisher, Morris Udall, Robert Drinan, Robert Edgar and Harold Hollenbeck....Unless you and I act immediately, the right wing extremists are likely to succeed....We will defend those leaders who have been marked for political execution.....I'm pro-choice. And I vote!" A copy of this letter is attached. As a result, the NRLC is in violation of this section of the act, so is NARAL.

Attempting to apply this act to the fundraising letter of NRLC, in addition, would violate the Federal Election Act and would be unconstitutional. 2 USC Section 441b provides that a contribution or expenditure shall include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value....to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section..." This statute by its terms require that the contribution be made to any candidate, campaign committee, political party or organization. This statute does not prohibit a corporation from making an independent expenditure. If, therefore, the reference to Congressman Hyde or Dornan in the NRLC fundraising letter is interpreted as a political expenditure, the statute would not be implicated since this contribution was not made to the candidate, his campaign committee, or any political party or organization.

This interpretation of Section 441b also saves it from unconstitutionality. In one challenge to Section 441b, for instances, in FEC v. Weinsten, 462 F. Supp. 243 (S.D. N.Y. 1978), the District Court upheld the section on the grounds that, while the First Amendment is implicated by the prohibition, compelling consideration necessitated that the statute be upheld. The compelling interest served by the statute were:

1. to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital, and

2. to prevent corporate and union officals from using corporate or general union funds for political purposes without the consent of stockholders or union members.

Neither such compelling circumstances exist in this case, and, therefore, does not justify the imposition of a prohibition against corporate political spending by not for profit membership organizations organized to influence public policy. NRLC neither exercises control over large aggregations of capital nor has stockholders. As a result, these compelling interests cannot support this violation of fundamental First Amendment rights.

In addition, Section 431 et seq. does not apply to the activities of NRLC. 2USCA § 431 has been interpreted by federal courts on two previous occasions. In each case, the court found that (1) the phrase "made for the purpose of influencing" includes 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 (2) this section is applicable only 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), U.S. v. National Committee for Impeachment, 469 F2d 1135 (2nd Cir., 1972). Since these expenditures were not made with the knowledge or consent of any candidate, and since no major purpose of NRLC is the election of candidates, this section does not apply to its activities.

Secondly, if Section 431 would be interpreted as covering the activities of non-profit and non-partisan organizations dealing with national policy, such an interpretation would render the statute unconstitutional. In Buckley v. Valeo, 519 F2d F21 (D.C. Cir. 1975), the District of Columbia Circuit dealt with a section of the Federal Election Campaign Act which required the reporting of vote for or against....candidates." 2 USCA S437a. The court declared this section to be unconstitutional as vague and a violation of the First Amendment. Buckley v. Valeo, supra, 519 F2d at pp. 869-879.

As a result, my clients are confident that these charges are, therefore, groundless and should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp

By: James Bopp, Jr.

John B. Anderson

Dear Friend:

A reactionary coalition of right wing groups has mounted a nationwide fundraising and organizing campaign designed to destroy the political careers of some of the nation's most progressive leaders.

I'm writing to ask your help in doing something about the growing threat which these zealots pose -- a threat so great that unless you and I act immediately it may be too late.

They've drawn up a "hit list", labeled it the "Deadly Dozen" and are working and raising money to defeat those who have defended a woman's right to choose. Senators like George McGovern, John Culver, Bob Packwood, Birch Bayh, Patrick Leahy. Representatives like Joe Fisher, Morris Udall, Robert Drinan, Robert Edgar, and Harold Hollenbeck.

Unless you and I act immediately, the right wing extremists are likely to succeed. And, if they are successful in their political attack they will send a message to all of Congress. It will be loud and clear:

> "Vote for every piece of anti-abortion legislation including a constitutional amendment to reverse the Supreme Court's decision on abortion. Better to go along with us than to suffer the political punishment we can deliver."

And, I can tell you personally from my years in the United States House of Representatives that the capacity of this vociferous anti-choice minority to threaten and intimidate is enormous.

If you are growing increasingly alarmed -- and you should be -- about the rising political power of the so-called "right to life" movement . . . about the burning and vandalism of abortion clinics . . . about the harassment of

National Abortion Rights Action League
826 15th Street NW
Washington, D.C. 20005

Not printed or mailed at Government expense

patients . . . about the growing threat of a Constitutional Convention . . . about the rising tide of political intimidation, then I urge you to act immediately because now there is something you can do about it!

Because now . . .

. . . there is a strong citizen force whose efforts are dedicated exclusively to protecting the right of a woman to choose an abortion;

. . . there is an organization with more than 69,000 members organized into an effective network designed to counter the reactionary, right-wing axis of anti-choice forces which threatens individual freedom;

. . . there is a strong organization speaking out for the 80 percent (!) of all Americans who believe that it is the personal right of every woman to choose whether or not to undergo an abortion.

There is the National Abortion Rights Action League.

Frankly, I've had enough of the anti-choice zealots and their ability to put fear into Congress, state legislatures and city councils. I'm fed up with having one of the most personal of all freedoms put in jeopardy by a small, but rich and vociferous group. I'm fed up with the zealots' attempt to impose compulsory pregnancy on America . . . with their attempt to destroy elected representatives who have the courage to speak up for individual liberty.

That's why I've decided to help the National Abortion Rights Action League in every way I can. That's why I'm writing to enlist your help also. You and I had better stand up to these bullies.

We must stop these extremists . . . before it's too late.

By joining with thousands of other concerned citizens in NARAL, here's how we can defend a precious freedom:

* Recruit pro-choice citizens to our cause. The anti-choice forces have made enormous political gains because, up until now, pro-choice people have

been less well-organized, less active and more "reasonable". In short, the majority has been intimidated by the well-organized and richly financed minority. It is increasingly apparent that this powerful coalition backed by the fervor and finances of the extreme right wing intends to carry their "purge" beyond the issue of abortion. Included on their list is progressive Senator Frank Church whose record clearly demonstrates he is not pro-choice.

Well, we're going to change all that. We're going to organize and fight. Here's the next step.

* Build a politically astute pro-choice constituency through education. While we have no structure to rival the church-financed anti-abortion forces, we are building an effective network capable of organizing to defend the right to choose. Through NARAL's exciting IMPACT 80 Campaign, we are mounting a campaign designed to alert and inform citizens about the frightening growth of the anti-abortion movement.

  We know from experience that the individual concerned citizen can make a difference. We'll train our activists with the skills necessary to organize and campaign for the issue of abortion rights. Armed with professional techniques just like those used in the most effective political campaigns they'll build phone banks, hold home meetings, conduct postcard, button and bumper sticker campaigns and organize to get out the vote.

For, only by organizing the majority and urging it to speak out can we destroy the myth that these extremists represent the mainstream of America in their drive to make abortion illegal.

* Demostrate to Members of Congress and Congressional Candidates that they cannot ignore the majority. Public opinion polls clearly show that 80% of all Americans believe it is the personal right of every woman to choose whether or not to have an abortion. We'll see to it that this voting majority knows exactly where each candidate in the 1980 election stands. Regardless of the amount of pressure, intimidation and money brought to bear in the 1980 campaign by the extremists, a simple fact stands out that must be impressed on the candidates -- the voice of the majority can be expressed in the voting booth. And the majority is pro-choice.

We will defend those leaders who have been marked for political execution by the reactionaries. We will mobilize the electorate in highly visible ways to send the unmistakable message of the majority to Congress: "I'm pro-choice. And I vote!"

And IMPACT 80 will go beyond the elections. Thanks to this program, NARAL's state organizations will be in a position to tackle state issues that have up to now been dominated by the anti-abortion minority.

Backed by the activist network of local units, state organizations will be able to coordinate programs aimed at restoring state abortion funding for low-income women . . . eliminating discriminatory local ordinances . . . drawing attention to clinic-related violence on the part of anti-choice fanatics . . . and educating the community in all aspects of the right to choose an abortion.

IMPACT 80 is a large and significant national grassroots campaign. Yet, this critical program cannot --and will not -- achieve its goal without an all-important element: the moral and financial support of people like you. As Americans, we have always rallied to defend individual liberty against those who impose their will on others.

But, as you well know, defending liberty is costly. Despite the dedication of thousands of NARAL volunteers, large sums of money will be required to mount this absolutely essential effort. That is why I am asking you to become a member of NARAL and lend your financial support to this crucial effort today.

When you write your check for membership, please be as generous as possible. I cannot stress too greatly the importance of your immediate and generous support.

Sincerely,

John B. Anderson

John B. Anderson

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Bopp, Jr.
BRAMES, BOPP & HAYNES
900 Sycamore Building
19 South Sixth Street
Terre Haute, Indiana 47807

Re: MUR 1258

Dear Mr. Bopp:

The Federal Election Commission notified your client, National Right to Life, Inc. ("NRLC"), on July , 1980, of a complaint which alleges that NRLC may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to NRLC at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on November , 1980, determined that there is reason to believe that NRLC may have violated 2 U.S.C. § 441b(a). Specifically, it appears that your client's endorsement of the candidates Dornan and Hyde in the June 1980 letter complaint in this matter was an expenditure in connection with an election by a corporation in violation of the Act.

We acknowledge receipt of your explanation of this matter which was dated August 26, 1980, but request that you submit answers to the enclosed questions and produce the documents called for in this enclosure. In absence of any additional information or further explanation of circumstances which demonstrate that no further action should be taken against your client, 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,

32040353382

NATIONAL RIGHT TO LIFE, INC. MUR 1258
James Bopp, Jr.

REQUEST TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS

1. Is the National Right to Life Committee, Inc. ("NRLC") an incorporated organization? If the answer to this question is yes, please submit the organization's articles of incorporation, bylaws, and a copy of state charter under which the corportation is registered.

2. Is NRLC a membership organization?

3. How does NRLC determine membership status for purposes of communications with such members of the organization?

4. Does NRLC endorse the reelection of Representatives Dornan and Hyde? If the answer to this question is yes, please supply the Commission with copies of any material which have been disseminated to the general public by NRLC expressing this endorsement.

5. What was the purpose of the statement made in the June 1980 letter, "We must re-elect Dornan and Hyde?"

6. Please submit to the Commission a copy of the letter titled "Federal Regulations Threaten Right to Life" and dated, Monday morning, June 1980.

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7. Please submit to the Commission all documentation showing the various costs associated with the printing, publication and dissemination of the June 1980, letter described in interrogatory number 3, particularly:

   a. How much did NRLC spend to have the text of the June 1980 letter prepared?

   b. How much did NRLC spend to have the letter printed?

   c. How much did NRLC spend to have the letter disseminated?

   d. Were there any other costs associated with the production and dissemination of the letter? If the answer to this question is yes, please state the need for the expenditure and its cost.

8. Please supply the Commission with a copy of all NRLC written communications distributed to members of the NRLC during the calender years 1979 and 1980.

9. Were any copies of NRLC written communications distributed to the general public in the calendar years 1979 and 1980? If the answer to this question is yes, please state:

   a. How many of these were printed?

   b. How many copies were distributed to the general public?

   c. What was the total cost of each of these communications to NRLC?

3 2 0 4 0 3 5 3 3 8 4

10. Did NRLC pay the costs associated with the preparation, printing and distribution of the June 1980, letter identified in question number 3 with corporate funds? If the answer to this question is no, please state what funds were used by NRLC to pay for the costs associated with the June 1980, newsletter.

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GCC#3068

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BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

October 16, 1980

Lee Andersen
Federal Election Commission
Washington, DC 20043

Re: MUR 1258 (80)

Dear Mr. Andersen:

On August 26, 1980, I responded on behalf of the National Right to Life Committee (NRLC) regarding a complaint filed against NRLC by the National Abortion Right to Action League (NARAL) regarding a fundraising letter sent by NRLC to its former members. NARAL complained that the letter constituted a contribution in connection with a federal election by NRLC, a corporation, in violation of § 441b of Federal Election Campaign Act (FECA). Specifically, NARAL complained that the reference to specific candidates for office constituted a political expenditure.

In our response of August 26, 1980, I pointed out that the NARAL also has referred to candidates for office in their fundraising letters. Specifically, I attached a letter signed by John Anderson where he warned that certain Senators and Congressmen would be defeated unless the pro-abortionists voted.

The habit of referring to specific candidates for office is more widespread than just the NARAL letter. In a recent fundraising letter by Planned Parenthood Federation of America, Incorporated, attached, Faye Wattleton, President of Planned Parenthood, stated that "in an effort to eliminate Congressmen and Senators who defend family planning rights, the right to lifers, backed by the extreme right wing, have mounted a massive campaign to destroy the political careers of some of this nation's most courageous leaders. They've drawn up a "hit list" aimed at defeating men like Senators Bayh, Culver, McGovern and Packwood, and Representatives Morris Udall and Joe Fisher. Judging from the amount of money they're spending and the recent polls I've seen, they're dangerously close to defeating some of the most effective voices we have on our side."

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It is obvious, therefore, that not only NRLC and NARAL do not believe that such specific references of candidates violates the FECA, but Planned Parenthood Federation of America, Incorporated, also hold such a view. If, however, NARAL in its complaint is correct that such references constitute political expenditures, then NARAL and Planned Parenthood Federation of America, Incorporated, should also be found guilty of such violations. NARAL obviously intends for a different standard to be applied to NRLC than to it and Planned Parenthood. This blatantly political and vindictive act, charging their opponents with violations of the FECA when they and their allies do exactly the same thing, is worthy only of contempt.

Sincerely,

BRAMES, BOPP & HAYNES

By: James Bopp, Jr.

JB/jmc

Attachment

cc: Jack Willke
Warren Sweeney

8 2 0 4 0 3 5 5 3 3 8 7

Planned Parenthood-World Population 810 SEVENTH AVENUE, NEW YORK, NEW YORK 10019
HEADQUARTERS OF **Planned Parenthood Federation of America, Inc.**

Dear Friend,

"TANTAMOUNT TO SEVERE PUNISHMENT . . ."

. . . That's how one dissenting Justice describes the United States Supreme Court's recent decision upholding the Hyde Amendment which denies poor women federally funded abortions.

But the so-called Right-to-Lifers are elated. The Court ruling boosts their drive to ban abortions and contraceptive devices as well.

Here are some of the goals the Right-to-Life forces have set in their campaign to outlaw all abortion and ban most methods of contraception.

- Amend The Constitution -- The votes of 34 states are needed to call a Constitutional Convention. Already the Right-to-Life forces have succeeded in winning the votes of 19 states. Congress can also vote for a Constitutional Amendment. Already the Right-to-Life forces have won nearly a majority of Congressmen and Senators in support of their Human Life Amendment. Only two-thirds are needed to bring their Human Life Amendment out of Congress and put it before the States for ratification!

- Purge Progressive Political Leaders -- In an effort to eliminate Congressmen and Senators who defend family planning rights, the Right-to-Lifers, backed by the extreme Right Wing, have mounted a massive campaign to destroy the political careers of some of this nation's most courageous leaders.

  They've drawn up a "hit list" aimed at defeating men like Senators Bayh, Culver, McGovern and Packwood, and Representatives Morris Udall and Joe Fisher.

  Judging from the amount of money they're spending and the recent polls I've seen, they're dangerously close to defeating some of the most effective voices we have on our side.

- On to The Presidency -- They've gone beyond Congress to the Presidency. Ronald Reagan strongly supports The Human Life Amendment and his candidacy is backed by a platform which these extremists helped forge. A platform which calls for abolition of abortion . . . passage of The Human Life Amendment . . . and -- unbelieveable as it sounds -- a "litmus test" for new appointments to the federal judiciary. A test designed to insure that new judges would not decide a case in favor of abortion.

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That is why . . .

We at PLANNED PARENTHOOD are asking you and all Americans who truly value our fundamental rights to no longer remain silent but to stand up and be counted with us to stop the zealous minority who wish to impose their dogmatic will upon us all.

PLANNED PARENTHOOD is by no means a newcomer to the human rights scene. Quite the contrary! For over sixty years we have been the acknowledged preeminent force in advancing the right of all Americans to know the facts about their bodies and in defending our right to determine our own fertility. Actually, PLANNED PARENTHOOD has been quietly helping so many millions upon millions of women, men and families for so long that we have come to be considered a highly respected part of the establishment -- the progressive, thinking establishment, at least!

But that was not always the case. What many people, even those who have directly benefited from our family-planning work, do not know is that PLANNED PARENTHOOD was founded by a determined woman who was jailed many times before she saw her dream become reality.

Margaret Sanger, an American pioneer in the truest and noblest self-sacrificing sense, was committed to seeing that the poor women in 1916 did not have their "right to life" destroyed by a cycle of oversized families and poverty. And she dedicated her own life to freeing these helpless women from a succession of unwanted pregnancies, which often led to early deaths in childbirth. And she launched her courageous crusade: To educate American parents on how to control the size of their families -- how to plan parenthood. For this "crime" she was arrested and jailed time and again. Yet, on each release from imprisonment, Margaret Sanger with quiet determination returned to her just cause: freeing women the world over from the slavery of uncontrolled reproduction.

Today, her dream -- PLANNED PARENTHOOD -- is a reality with over 100,000 supporters, 20,000 active volunteers, over 700 clinics in the United States, and with programs in 111 foreign countries. And now, more than 100 years after her birth, Margaret Sanger's memory is honored throughout the world by men and women who understand her monumental achievements for humanity.

Yet, the same kind of thinking which sent Mrs. Sanger to jail is still with us. Often it takes an ugly form. When clinics were burned we saw it explode into violence that threatened lives and property. Most importantly, this effort to impose the beliefs of some on the rest of us threatens our most cherished rights and freedoms.

-- Although seven years earlier the Supreme Court had ruled that a woman has the right to choose when and if to bear a child, the Court's Hyde decision in June of this year is a clear victory for anti-abortionists in their battle of coercion and intimidation to negate the right to choice. Thus, while polls show that the majority of Americans favor legalized abortions,

(next page, please)

militant anti-abortion elements have badgered Congress into cutting off all federal funds for abortions. The result: poverty-stricken women, those who most desperately need to exercise their right of choice, are forced to resort to the dangers of self-induced abortions or to the degradation of motel-room butchers.

-- Where local funding for abortions is still available to those in need, the anti-abortionists are browbeating legislators into restricting or curtailing available funds. And, where they fail, they often rely on their ultimate weapon -- violence -- vandalizing the clinics which offer impoverished women their only hope for a safe abortion, and threatening the lives of the staffs.

-- While the Right-to-Lifers and their right-wing allies have kept a low profile on their staunch opposition to contraception, they are now becoming more and more vociferous in demanding the banning of "the Pill" and IUDs which they term "silent abortion" methods. In their headstrong drive to outlaw these proven birth-control devices, they again demonstrate their misplaced concern for a fertilized egg over the truly living.

-- With teenage pregnancies now openly acknowledged as a rampant "epidemic" (one million a year; two every minute!), there are still those who wish to force us to bury our heads in the sands of ignorance when it comes to sex education. They refuse to face the facts of life -- that sex education provides teenagers with a true understanding of their sexuality and their sexual responsibility. Sexual ignorance or misinformation gleaned on street corners leads to frightening statistics such as these: babies born to teenage mothers are two to three times more likely to die in their first year; teen maternal death risk is 60% higher than for mothers in their twenties; unwanted babies cause 80% of their teenage parents to drop out of school and usually onto welfare; clandestine and self-induced abortions threaten the lives and future health of thousands of young girls every year!

And while those who vehemently oppose legalized abortion, contraception, sex education and family planning are fighting to nullify our right to determine our own fertility, they are also threatening all our civil rights. So adamant are these short-sighted extremists to impose their beliefs upon all Americans that they are calling for a Constitutional Convention to strip all women of their right to abortion! BUT . . .

A WARNING: Once a Constitutional Convention is called -- for whatever reasons -- there is absolutely no restriction on the

(over, please)

areas of this document that can be tampered with or entirely rewritten. And the extreme right-wingers, who have joined the anti-choice forces in calling for this convention, see it as their golden opportunity to remold even the Bill of Rights to their own views.

The threat of a Constitutional Convention dominated by the so-called "Pro-Life" forces is real! Already 19 state legislatures have caved in under the incredible pressure mounted by the anti-choice zealots and have passed resolutions calling for the convention. Only 15 more states have to follow suit. Then Congress would be forced -- by the Constitution itself -- to call a convention that could mean the end of personal freedoms and civil liberties we have known since this nation was founded.

If you have not fully realized the true extent of the danger facing us all, you are not alone. Many PLANNED PARENTHOOD supporters and even staff members have felt we should ignore the Right-to-Lifers and quietly continue our vital activities in the name of humanity, as we have for over 60 years. However, the recent Supreme Court ruling, which seriously abridges the right of poor women to choose, the reign of terror against pro-choice groups in the form of clinic burning and harassment of patients and the horrifying prospect of a Constitutional Convention, have welded us all into a firm resolve to . . .

STOP the insane headlong rush toward a Constitutional Convention by awakening all Americans to the real threat it poses to us all. We must create a groundswell of grassroots opposition that will silence the rantings of the anti-choice minority and the right-wing fanatics.

STOP the blatant discrimination against poor women by challenging in the Congress and the state legislatures the cut-off of funds for abortions.

STOP the rising tide of red-tape restrictions on legal abortions, foisted on municipal and state governments by anti-choice factions. The vast bulk of these regulations are purely technical barriers to prevent women from exercising their personal right to an abortion, a freedom the Supreme Court has declared as constitutionally theirs and has now seriously undermined with its Hyde decision.

STOP the further erosion of a woman's right to choose by well-funded zealots who are pushing for more restrictive legislation, more stringent court rulings, and, worst of all, a constitutional amendment that would make all abortions illegal!

STOP the return to the "dark ages" of back-room and self-induced abortions, by establishing an emergency loan program which will

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help finance safe, professional abortions for women in financial need who have been ruthlessly denied federal and state funds.

STOP the spread of teenage pregnancies which now extends across every ethnic and financial group in the nation. The only way we can curb this tragedy is by instilling in each teenager sexual understanding and responsibility, before he or she becomes another unprepared parent of yet another unwanted, unloved child.

What we at PLANNED PARENTHOOD cannot and will not stop is the uninterrupted delivery of the life-enriching services we provide, regardless of the threats against us.

However, to meet the challenge of those who wish to plunge us all back into the "sex-is-taboo" mentality of Margaret Sanger's day and, at the same time, to maintain our vital ongoing programs, places an enormous demand upon our finances.

Therefore, we at PLANNED PARENTHOOD seek your personal support.

In 1916, Margaret Sanger suffered unrelenting ridicule, arrests and jail sentences before she saw her unfailing belief in the right of all men and women to intelligently plan their parenthood become a reality in PLANNED PARENTHOOD. For the last few years, our professional medical staffs and thousands of volunteers have bravely worked under threats of harassment and violence in order to guarantee that the most personal of all our civil liberties is not destroyed.

Now, we at PLANNED PARENTHOOD do not ask that you make such a personal sacrifice. We only ask that you look to your conscience and then contribute what you can. Every dollar you send us will be immediately put to full use to help us carry on our humanitarian services, helping people the world over plan their parenthood.

Sincerely,

Faye Wattleton

Faye Wattleton
President

0 2 0 4 0 3 5 3 3 9 2

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

Lee Anderson
Federal Election Commission
Washington, DC 20043

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GCC# 2471

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

August 26, 1980

80 AUG 28 P 1:38

Mr. Lee Andersen
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1258 (80)

Dear Mr. Andersen:

This letter is in response to the above complaint and your subsequent mailing to me of the fundraising letter of the National Right to Life Committee (NRLC) which apparently served as the basis of the complaint.

In June of 1980, the NRLC made a fundraising solicitation to former members of NRLC. This solicitation was to raise funds for NRLC and to urge former members to renew their membership in the Committee.

The letter discussed the activities of the NRLC and urged the recipient of the letter to rejoin the pro-life movement by renewing their membership in the NRLC. Specific reference was made to the NRL PAC which is a separate segregated fund of NRLC. This reference to NRL PAC included the fact that since the recipient of the letter was not a member of Right to Life that recipient could not be asked to contribute to the political efforts of Right to Life. Only members of the NRLC could contribute to the political efforts of the NRL PAC. In addition, the letter discussed the activities of the PAC regarding its involvement in political campaigns and the other activities of NRLC including lobbying and the National Right to Life News. Enclosed with the letter was a card to return which would renew the person's membership in NRLC and with which they might send a contribution to NRLC.

On the basis of this letter the National Abortion Rights Action League has filed a complaint. Specifically, they complained that this letter violated § 441b as a solicitation of general public for the NRL PAC and violates § 441b as a contribution or expenditure in connection with a federal election by NRLC, a corporation.

The fundraising letter of NRLC referred to above was a solicitation for funds for NRLC not NRL PAC. The letter emphasized the need for support of NRLC by the recipient of the letter because others were supporting the NRL PAC. The whole tenor, tone, and direction of the letter was support for NRLC not the PAC.

NARAL, however, strained to interpret the letter as a solicitation for NRL PAC on the basis that this letter informed the public of the activities of the NRL PAC. Describing the activities of NRL PAC is not prohibited by the Federal Election Law. As a result, NARAL makes reference to several advisory opinions which considered the fundraising activities of PAC as a solicitation for funds. This letter, however, did not discuss any fundraising activity of NRL PAC. See AO 1978-17; AO 1976-27; AO 1976-96.

In addition, NARAL cites AO 1979-13 in which the Commission found that an article to be included in a corporation's newsletter to all of its employees, which described the activities of the corporation's PAC and praised employees that support it, commending them for understanding the connection between their welfare and government policy toward business, constituted a solicitation of contributions to the PAC. Commissioners Joan D. Aikens and Max L. Friedersdors dissented on the basis that such activity was to remote to constitute a solicitation.

The context of this discussion of NRL PAC activities is different than the one considered in the Advisory Opinion 1979-13. Here, the activities of NRL PAC were discussed in the context of a fundraising letter for NRLC. The point of the letter was to solicit contributions for NRLC and the recipient was told that NRLC was forbidden by the Federal Government to ask the recipient of the letter to contribute to NRL PAC. The discussion of NRL PAC activities in such a context was intended to entice the recipient of the letter to contribute to NRLC. A discussion of NRL PAC activities in such a context was not a solicitation for NRL PAC.

Attempting to apply § 441b in such a context invites a constitutional challenge to the scope of this statute. With the strong considerations of the First Amendment in this area, the constitution requires that a person subject to the law has reasonable notice of the conduct which is prescribed. Applying this section to this act would be unconstitutionally broad. See Federal Election Commission v. American Federation of State, County, and Municipal Employees, 471 F. Supp. 315 (DDC 1979).

In addition, NARAL complained that the reference in the fundraising letter on page two to Congressman Hyde and Dornan constituted an expenditure made in connection with a Federal Election as prohibited by § 441b. The reference to Congressman Hyde and Dornan in the fundraising letter was part of an explanation of the activities of the NRL PAC. The reference to Congressman Hyde and Dornan was a generic reference to persons in the House of Representatives who are pro-life. Both of these figures are well known in the Right to Life movement as champions of the unborn. Their names, therefore, were used to indicate Congressmen in the House of Representatives "who have been champions of the unborn." The reference was not intended to be an endorsement of those individuals.

In addition, the letter specifically refers to the fact that the NRLC cannot be involved in politics including working to elect any candidate. The fundraising letter refers to the fact that "only our NRL PAC may become directly involved in these vital election efforts." This reference did not urge the recipient of the letter to vote for or support any candidate.

Interestingly, NARAL has made similar references to candidates in their own fundraising letters. Obviously, they do not believe such references constitute prescribed political expenditures. In a recent NARAL fundraising letter signed by John B. Anderson, Mr. Anderson refers to efforts to "destroy the political careers of some of the nation's most progressive leaders....Senators like George McGovern, John Culver, Bob Packwood, Birch Bayh, Patrick Leahy. Representatives like Joe Fisher, Morris Udall, Robert Drinan, Robert Edgar and Harold Hollenbeck....Unless you and I act immediately, the right wing extremists are likely to succeed....We will defend those leaders who have been marked for political execution.....I'm pro-choice. And I vote!" A copy of this letter is attached. As a result, the NRLC is in violation of this section of the act, so is NARAL.

Attempting to apply this act to the fundraising letter of NRLC, in addition, would violate the Federal Election Act and would be unconstitutional. 2 USC Section 441b provides that a contribution or expenditure shall include "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value....to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section..." This statute by its terms require that the contribution be made to any candidate, campaign committee, political party or organization. This statute does not prohibit a corporation from making an independent expenditure. If, therefore, the reference to Congressman Hyde or Dornan in the NRLC fundraising letter is interpreted as a political expenditure, the statute would not be implicated since this contribution was not made to the candidate, his campaign committee, or any political party or organization.

This interpretation of Section 441b also saves it from unconstitutionality. In one challenge to Section 441b, for instances, in FEC v. Weinsten, 462 F. Supp. 243 (S.D. N.Y. 1978), the District Court upheld the section on the grounds that, while the First Amendment is implicated by the prohibition, compelling consideration necessitated that the statute be upheld. The compelling interest served by the statute were:

1. to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital, and

2. to prevent corporate and union officals from using corporate or general union funds for political purposes without the consent of stockholders or union members.

Neither such compelling circumstances exist in this case, and, therefore, does not justify the imposition of a prohibition against corporate political spending by not for profit membership organizations organized to influence public policy. NRLC neither exercises control over large aggregations of capital nor has stockholders. As a result, these compelling interests cannot support this violation of fundamental First Amendment rights.

In addition, Section 431 et seq. does not apply to the activities of NRLC. 2USCA § 431 has been interpreted by federal courts on two previous occasions. In each case, the court found that (1) the phrase "made for the purpose of influencing" includes 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 (2) this section is applicable only 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), U.S. v. National Committee for Impeachment, 469 F2d 1135 (2nd Cir., 1972). Since these expenditures were not made with the knowledge or consent of any candidate, and since no major purpose of NRLC is the election of candidates, this section does not apply to its activities.

Secondly, if Section 431 would be interpreted as covering the activities of non-profit and non-partisan organizations dealing with national policy, such an interpretation would render the statute unconstitutional. In Buckley v. Valeo, 519 F2d F21 (D.C. Cir. 1975), the District of Columbia Circuit dealt with a section of the Federal Election Campaign Act which required the reporting of vote for or against....candidates." 2 USCA S437a. The court declared this section to be unconstitutional as vague and a violation of the First Amendment. Buckley v. Valeo, supra, 519 F2d at pp. 869-879.

As a result, my clients are confident that these charges are, therefore, groundless and should be dismissed.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp Jr

By: James Bopp, Jr.

John B. Anderson

Dear Friend:

A reactionary coalition of right wing groups has mounted a nationwide fundraising and organizing campaign designed to destroy the political careers of some of the nation's most progressive leaders.

I'm writing to ask your help in doing something about the growing threat which these zealots pose -- a threat so great that unless you and I act immediately it may be too late.

They've drawn up a "hit list", labeled it the "Deadly Dozen" and are working and raising money to defeat those who have defended a woman's right to choose. Senators like George McGovern, John Culver, Bob Packwood, Birch Bayh, Patrick Leahy. Representatives like Joe Fisher, Morris Udall, Robert Drinan, Robert Edgar, and Harold Hollenbeck.

Unless you and I act immediately, the right wing extremists are likely to succeed. And, if they are successful in their political attack they will send a message to all of Congress. It will be loud and clear:

> "Vote for every piece of anti-abortion legislation including a constitutional amendment to reverse the Supreme Court's decision on abortion. Better to go along with us than to suffer the political punishment we can deliver."

And, I can tell you personally from my years in the United States House of Representatives that the capacity of this vociferous anti-choice minority to threaten and intimidate is enormous.

If you are growing increasingly alarmed -- and you should be -- about the rising political power of the so-called "right to life" movement . . . about the burning and vandalism of abortion clinics . . . about the harassment of

National Abortion Rights Action League
826 15th Street NW
Washington, D.C. 20005

Not printed or mailed at taxpayers expense

patients . . . about the growing threat of a Constitutional Convention . . . about the rising tide of political intimidation, then I urge you to act immediately because now there is something you can do about it!

Because now . . .

. . . there is a strong citizen force whose efforts are dedicated exclusively to protecting the right of a woman to choose an abortion;

. . . there is an organization with more than 69,000 members organized into an effective network designed to counter the reactionary, right-wing axis of anti-choice forces which threatens individual freedom;

. . . there is a strong organization speaking out for the 80 percent (!) of all Americans who believe that it is the personal right of every woman to choose whether or not to undergo an abortion.

There is the National Abortion Rights Action League.

Frankly, I've had enough of the anti-choice zealots and their ability to put fear into Congress, state legislatures and city councils. I'm fed up with having one of the most personal of all freedoms put in jeopardy by a small, but rich and vociferous group. I'm fed up with the zealots' attempt to impose compulsory pregnancy on America . . . with their attempt to destroy elected representatives who have the courage to speak up for individual liberty.

That's why I've decided to help the National Abortion Rights Action League in every way I can. That's why I'm writing to enlist your help also. You and I had better stand up to these bullies.

We must stop these extremists . . . before it's too late.

By joining with thousands of other concerned citizens in NARAL, here's how we can defend a precious freedom:

* Recruit pro-choice citizens to our cause. The anti-choice forces have made enormous political gains because, up until now, pro-choice people have

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been less well-organized, less active and more "reasonable". In short, the majority has been intimidated by the well-organized and richly financed minority. It is increasingly apparent that this powerful coalition backed by the fervor and finances of the extreme right wing intends to carry their "purge" beyond the issue of abortion. Included on their list is progressive Senator Frank Church whose record clearly demonstrates he is not pro-choice.

Well, we're going to change all that. We're going to organize and fight. Here's the next step.

* Build a politically astute pro-choice constituency through education. While we have no structure to rival the church-financed anti-abortion forces, we are building an effective network capable of organizing to defend the right to choose. Through NARAL's exciting IMPACT 80 Campaign, we are mounting a campaign designed to alert and inform citizens about the frightening growth of the anti-abortion movement.

  We know from experience that the individual concerned citizen can make a difference. We'll train our activists with the skills necessary to organize and campaign for the issue of abortion rights. Armed with professional techniques just like those used in the most effective political campaigns they'll build phone banks, hold home meetings, conduct postcard, button and bumper sticker campaigns and organize to get out the vote.

For, only by organizing the majority and urging it to speak out can we destroy the myth that these extremists represent the mainstream of America in their drive to make abortion illegal.

* Demostrate to Members of Congress and Congressional Candidates that they cannot ignore the majority. Public opinion polls clearly show that 80% of all Americans believe it is the personal right of every woman to choose whether or not to have an abortion. We'll see to it that this voting majority knows exactly where each candidate in the 1980 election stands. Regardless of the amount of pressure, intimidation and money brought to bear in the 1980 campaign by the extremists, a simple fact stands out that must be impressed on the candidates -- the voice of the majority can be expressed in the voting booth. And the majority is pro-choice.

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We will defend those leaders who have been marked for political execution by the reactionaries. We will mobilize the electorate in highly visible ways to send the unmistakable message of the majority to Congress: "I'm pro-choice. And I vote!"

And IMPACT 80 will go beyond the elections. Thanks to this program, NARAL's state organizations will be in a position to tackle state issues that have up to now been dominated by the anti-abortion minority.

Backed by the activist network of local units, state organizations will be able to coordinate programs aimed at restoring state abortion funding for low-income women . . . eliminating discriminatory local ordinances . . . drawing attention to clinic-related violence on the part of anti-choice fanatics . . . and educating the community in all aspects of the right to choose an abortion.

IMPACT 80 is a large and significant national grassroots campaign. Yet, this critical program cannot --and will not -- achieve its goal without an all-important element: the moral and financial support of people like you. As Americans, we have always rallied to defend individual liberty against those who impose their will on others.

But, as you well know, defending liberty is costly. Despite the dedication of thousands of NARAL volunteers, large sums of money will be required to mount this absolutely essential effort. That is why I am asking you to become a member of NARAL and lend your financial support to this crucial effort today.

When you write your check for membership, please be as generous as possible. I cannot stress too greatly the importance of your immediate and generous support.

Sincerely,

John B. Anderson

John B. Anderson

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

Mr. Lee Andersen
Federal Election Commission
Washington, D.C. 20463

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90934 5

RECEIVED

'80 JUL 30 AM 11:58

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

ARNOLD H. BRAMES
JAMES BOPP, JR.
DAVID D. HAYNES

TELEPHONE
(812) 238-2421

July 28, 1980

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1258 (80)

Dear Mr. Steele:

As general counsel for the National Right to Life Committee, the above complaint has been sent to me for response. Please direct all communications regarding this matter to me.

Unfortunately, the National Right to Life Committee is not prepared to answer this complaint without further information. The July 9, 1980 letter of Gail M. Harmon, which served as the complaint in this matter, is not complete. Despite the reference in the letter to Attachment "A", which was the alleged letter which served as the basis of the complaint, a copy of the letter was not attached. Before we can answer this complaint we must have a copy of the letter to insure that we know what it is that is being complained about. Secondly, we do not know the person named Nina Heagstedt who signed an affidavit attached to the complaint. In order to determine whether or not she is a member of NRLC, we need her address and zip code.

Please provide us these materials at your earliest convenience. Once it is received, we will be able to respond to the complaint.

Sincerely,

BRAMES, BOPP & HAYNES

James Bopp, Jr.

JB:js

'80 JUL 31 AM 10:13
GENERAL COUNSEL
OFFICE OF
RECEIVED

BRAMES, BOPP & HAYNES
ATTORNEYS AT LAW
900 SYCAMORE BUILDING
19 SOUTH SIXTH STREET
TERRE HAUTE, INDIANA 47807

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

RECEIVED
JUL 30 AM 11:50

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 28, 1980

National Right to Life Committee
Political Action Committee
Suite 341
529 14th Street, N.W.
Washington, D.C. 20045

Re: MUR 1258

Dear Sir or Madam:

Enclosed is a copy of an attachment to the complaint in MUR 1258 which was not included in the original complaint submitted to the Commission by the National Abortion Rights Action League. The attachment is referred to in the complaint but did not appear in the original submitted to the Commission on July 14, 1980 or the copy which was sent to you.

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure

9 2 0 4 0 3 5 3 9 0 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 28, 1980

National Right to Life
Committee, Inc.
Suite 357
529 14th Street, N.W.
Washington, D.C. 20045

Re: MUR 1258

Dear Sir or Madam:

Enclosed is a copy of an attachment to the complaint in MUR 1258 which was not included in the original complaint submitted to the Commission by the National Abortion Rights Action League. The attachment is referred to in the complaint but did not appear in the original submitted to the Commission on July 14, 1980 or the copy which was sent to you.

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

Sincerely,

Charles N. Steele
General Counsel

Enclosure

GCC# 203

HARMON & WEISS

1725 I STREET, N.W.

SUITE 506

WASHINGTON, D.C. 20006

GAIL M. HARMON
ELLYN R. WEISS
WILLIAM S. JORDAN, III
LEE L. BISHOP

TELEPHONE
(202) 833-9070

July 21, 1980

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

RE: MUR-1258

Dear Mr. Anderson:

Attached is Exhibit "B" which was inadvertently omitted from the July 9, 1980 letter.

Sincerely,

Gail Harmon

Gail M. Harmon

GMH/dmw
Enclosure

80 JUL 23 P2:51

GENERAL COUNSEL
OFFICE OF THE
RECEIVED

EXHIBIT "B"

national RIGHT TO LIFE committee, inc.

national office
National Press Building, Suite 341
529 14th Street, N.W., Washington, D.C. 20045

OFFICERS
President
Secretary
Treasurer
BOARD OF DIRECTORS
FLORIDA
Chairman
TENNESSEE
Vice Chairman
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ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
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DISTRICT OF COLUMBIA
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IDAHO
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MISSISSIPPI
MISSOURI
MONTANA
NEBRASKA
NEVADA
NEW HAMPSHIRE
NEW JERSEY
NEW MEXICO
NEW YORK
NORTH CAROLINA
NORTH DAKOTA
OHIO
OKLAHOMA
OREGON
PENNSYLVANIA
RHODE ISLAND
SOUTH CAROLINA
SOUTH DAKOTA
TENNESSEE
TEXAS
UTAH
VERMONT
VIRGINIA
WASHINGTON
WEST VIRGINIA
WISCONSIN
WYOMING
AT LARGE DIRECTORS
Mrs. Robert (Jo) Higgins, R.N.
President, Nat'l Nurses for Life
*Member, Executive Committee

If this is true then how are they getting away with this letter, if not, shouldn't the postal inspector see this fraud!

June 1980
Monday morning

FEDERAL REGULATIONS THREATEN RIGHT TO LIFE

My Dear Friend:

Can the federal government forbid me from asking you to contribute to the political efforts of Right to Life?

Well, it has.

The government has mandated that only members of National Right to Life may be solicited for the Political Action Committee.

Because you have not contributed to NRLC since before September, 1979, you are not a member of Right to Life. I cannot ask you to help the National Right to Life Political Action Committee.

As a result, even though the present membership of NRLC has sacrificed unselfishly to support both National Right to Life and the National Right to Life Political Action Committee, the double burden is proving to be too great.

In spite of having to contend with cumbersome federal requirements, Right to Life must have an organization which is allowed to support candidates who will enact legislation to stop the killing of unborn children.

We must be able to endorse pro-life candidates who are committed to the passage of a Human Life Amendment.

The National Right to Life Political Action Committee made its first endorsements in January, 1980. We have since achieved victories in Nebraska, Pennsylvania, New Hampshire, and Illinois.

Abortion has become a key issue in the presidential primaries.

But that is only the beginning...

(over, please...)

We must:

- Elect at least six more pro-life United States Senators.
- Re-elect Congressmen Hyde and Dornan, and others in the House of Representives who have been champions of the unborn.
- Elect a President who will support the cut-off of spending your tax dollars to pay for abortions - and who will appoint Supreme Court Justices who will recognize the humanity of the unborn child.

The National Right to Life Committee cannot do any of these things!

Because of federal regulations, only our National Right to Life Political Action Committee may become directly involved in these vital election efforts.

And the federal government will not allow me to ask anyone but the present membership of NRLC to contribute to the Political Action Committee.

What is the solution?

The present membership of NRLC will dedicate their support to the Political Action Committee, and --

The National Right to Life Committee must double its membership at once.

These new members will insure that...

- ✓ Our lobbying and legislative staff will continue their efforts to enact legislation which may save thousands of lives.
- ✓ Our attorneys will protect the pro-life movement from the attacks of the anti-life forces of evil.
- ✓ Our dedicated Washington staff will keep the line of communication open with the grass-roots Americans in the almost 2,000 affiliates which make up the National Right to Life Committee.
- ✓ THE NATIONAL RIGHT TO LIFE NEWS will continue to be the finest and most comprehensive pro-life newspaper in the country.
- ✓ The essential Voter Identification Project will contact thousands of Americans to determine their attitude on the issue of abortion.

Yes, I know that doubling our membership is an enormous task.

But you can make it happen. Because it is to you that I am directing this call to action.

You -- because you have contributed to Right to Life. You -- because I know that you care deeply about the yearly death toll of millions of unborn children.

(please read on...)

8204035302

But it has been nine months, perhaps longer, since you contributed to National Right to Life.

Nine months - the same time it takes a tiny human life to mature within the mother's womb. And in that same nine months, how many babies have been killed?

Unbelievably,

One million two hundred and fifty thousand tiny lives have been deliberately snuffed out in these last nine months.

If you have not contributed to Right to Life since before September 1979, then you must add 139,000 more lives lost for every month since I last heard from you.

And the gruesome toll goes on - month after month - day after day.

In the time it will take you to read this letter, ten more human lives will be sacrificed.

And in the time it will take you to write a check and re-join me in the Right to Life movement, at least six more babies will die.

I know that you do not want to remain silent while millions of God's tiniest human creations are being cut to pieces, scalded to death, or taken alive from their mothers' wombs and left to die.

Won't you re-join Right to Life today? Only you can stop the federal bureaucracy from strangling our efforts to save the unborn in this crucial year of national elections.

Yes, my dear friend, just as America's unborn children are the hope of our country - you are the hope of the pro-life movement.

Please mail the enclosed reply card and the most generous check you can afford in the postage-paid envelope immediately! If your check is for $25 or more, I will see that you receive a year's subscription to THE NATIONAL RIGHT TO LIFE NEWS.

Everyone of us who believes in the humanity of the unborn child must join together to stop the killing. Our consciences will not let us turn away.

Today, re-join the thousands who have said YES to the pleading hands of the unborn.

Yours for life,

Carolyn Gerster, M.D.

Carolyn Gerster, M.D.
President

P.S. - I beg you not to delay sending your contribution. Every moment means another life.

(over, please...)

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P.P.S. - Would you please also use the space below to send us the names of your friends and relatives who share your commitment to the saving of innocent babies' lives? If we are to double the size of the pro-life army, we must give all pro-life Americans the opportunity to join this great movement.

Name _____
(Please print)
Address _____
City &
Zip Code _____

Name _____
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Zip Code _____

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Zip Code _____

THANK YOU!
C.G.

3 2 0 4 0 3 5 3 9 1 1

SHELDON, HARMON & WEISS
1725 I STREET, N. W.
SUITE 506
WASHINGTON, D. C. 20006

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

TELEPHONE
(202) 833-9070

July 9, 1980

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

Dear Sir/Madam:

On behalf of the National Abortion Rights Action League ("NARAL"), I am filing the following complaint of violations of Federal Election Laws by the National Right to Life Committee ("NRLC") and the National Right to Life Political Action Committee ("NRL-PAC").

NRLC is a non-profit membership corporation organized to lobby the United States Congress on "pro-life" or "anti-choice" issues; NRL-PAC is the separate segregated fund or connected organization of NRLC. NRL-PAC has violated and continues to violate the §441(b) restrictions on solicitation of the general public while NRLC is violating the §441(b) prohibition on contributions or expenditures in connection with any election or political office by any corporation.

The vehicle for both violations is a letter allegedly being mailed only for former members of NRLC, who as such are simply members of the general public. Attachment "A" The letter not only endorses the re-election of two named Congressmen, but repeatedly describes the activity and importance of NRL-PAC. It is apparent that the letter's intent is to inform people of the PAC's activities and to induce them to rejoin so as to contribute to and strengthen the NRL-PAC.

The legislative history of the Federal Election Campaign Act as well as interpretations made in Advisory Opinions (AO 1976-27 and 1979-13) indicate that "solicitation" can include simply informing people of fundraising activity as is done in this letter. Numerous references are made to the huge financial burden the current membership of NRLC has had to shoulder, and the correlations between contributing money and saving "babies'" lives is particularly stressed. Because the emphasis on the activities and need for money by NRL-PAC is so strong, we feel this constitutes a gross attempt by NRL-PAC to circumvent §441(b) by illegally soliciting the general public. A.O. 79-13.

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While a membership organization may regularly enclose a solicitation along with the dues statement sent to members (AO 1979-68), this letter is clearly not a renewal notice but rather at best a plea to lapsed members to rejoin. Former members have not been in contact with the organization for at least nine months and can no longer be defined as affiliated with NRLC.

Furthermore, NRLC did not limit this solicitation to former members. Attached as Exhibit "B" is an affidavit from Nina Heagstedt who received the solicitation attached as Exhibit "A" but was never a member of NRLC.

In addition, by specifically mentioning the names and endorsing re-election of two Congressmen, NRLC has made an expenditure in connection with an election or political office, a clear violation of §441(b). On February of this year, the U.S. Court of Appeals for the Second Circuit, No. 79-3014, in F.E.C. v. Central Long Island Tax Reform Immediately clarified that the law specifically requires express advocacy of a political nature to constitute an independent expenditure. In the course of sending this letter containing the endorsement, the NRLC has obviously overstepped the bounds of §441(b). NARAL respectfully requests that you investigate this matter fully and promptly.

I have prepared this complaint and believe 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/lc
Enclosures

Sighed and subscribed to before me this 11th day of July, 1980.

Eleanor M. Washington
NOTARY PUBLIC
My Commission Expires December 14, 1984

SHELDON, HARMON & WEISS
1725 I STREET, N.W.
SUITE 506
WASHINGTON, D.C. 20006

WASHINGTON, DC
PM
22 JUL
1980

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

national RIGHT TO LIFE committee, inc.

National Press Building, Suite 341
529 14th Street, N.W. Washington, D.C. 20045

Dr. Gerster, here is my answer:

- ☐ **YES,** I understand you must double the NRLC membership.
- ☐ **YES,** I realize I must recommit myself or the killing will go on, getting worse and worse.
- ☐ **YES,** enroll me immediately. I want to be a member again. Here is the most generous check I can afford, for $ _____

Signature _____

MS NINA L HEAGSTEDT EDIT 466-5430
WOMENS REPRESENTATIVE
854 NATL PRESS BLDG
WASHINGTON DC 20045

☐ **NO,** I do not want to rejoin the Pro-Life Movement. Here's why: (use reverse side)

BH

IF YOU RECEIVED MORE THAN ONE OF THESE CARDS, PLEASE RETURN ALL THE MAILING LABELS, CROSSING OUT THOSE WHICH ARE DUPLICATES. THANK YOU!

PLEASE FOLD AND MAIL TODAY WITH YOUR GIFT.

Dear Friend of Life,

Please renew your support of life for the unborn children of America. My goal, with this note, is to double the membership of the National Right to Life Committee. That goal can be reached, and thousands of lives can be saved, if YOU will once again extend your hands to the most defenseless of God's human creations.

Carolyn Gerster, M.D.

P.S. A donation of $25 includes a subscription to THE NATIONAL RIGHT TO LIFE NEWS. If you can contribute a larger amount, it will help relieve the burden on those less able to contribute. But be assured I will be grateful for whatever amount you can send, large or small. It will be acknowledged promptly and put to work immediately to save lives.

PLEASE stop the killing

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Right to Life PAC
Suite 341
529 14th Street, N.W.
Washington, D.C.

Re: MUR 1258(80)

Dear Sir or Madam:

This letter is to notify you that on July 14, 1980 the Federal Election Commission received a complaint which alleges that you 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 this complaint is enclosed. We have numbered this matter MUR 1258. 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 you 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 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 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 202 523-5071. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosures
Complaint
Procedures

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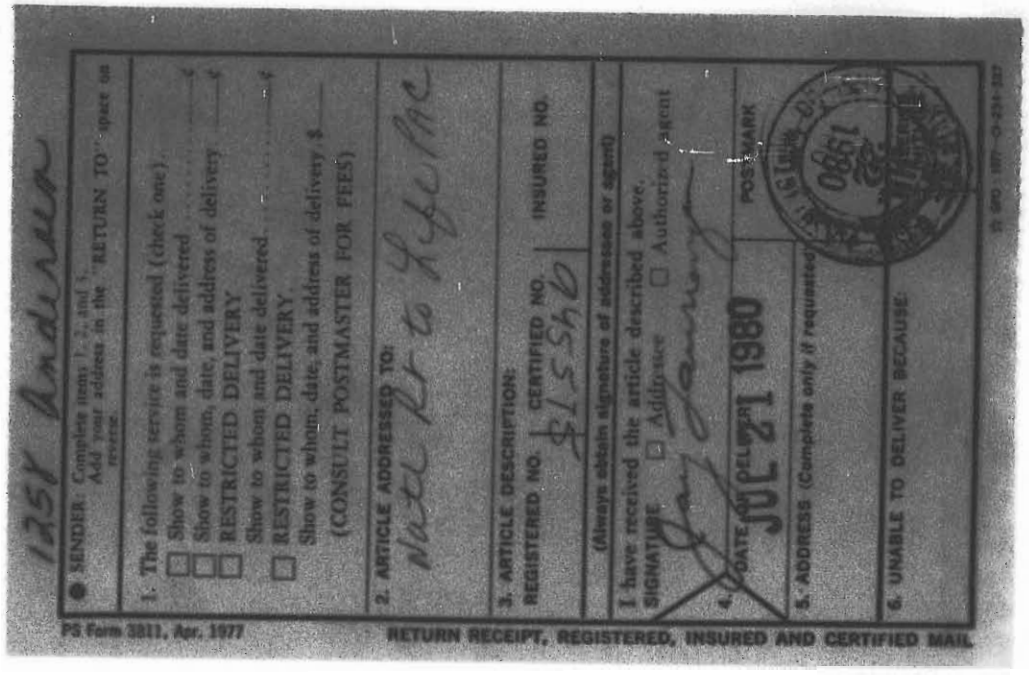


FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Right to Life Committee
Suite 357
529 14th Street, N.W.
Washington, D.C. 20045

Re: MUR 1258(80)

Dear Sir or Madam:

This letter is to notify you that on July 14, 1980 the Federal Election Commission received a complaint which alleges that you 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 this complaint is enclosed. We have numbered this matter MUR 1258. 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 you 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 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.

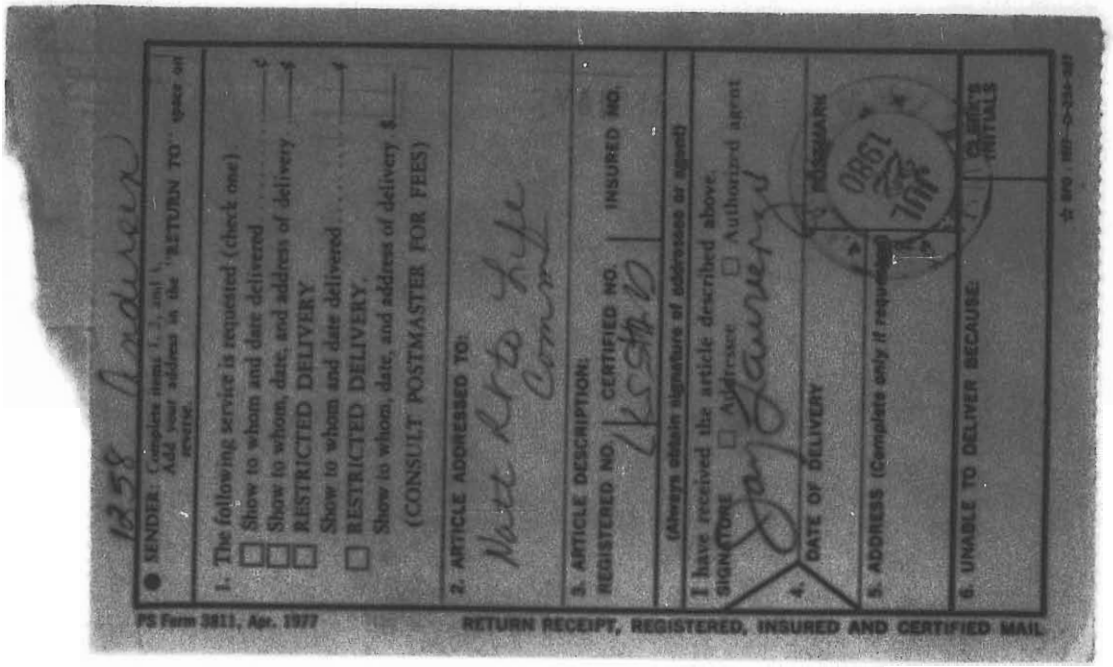
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Lee Andersen, the attorney assigned to this matter at 202 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Complaint
Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

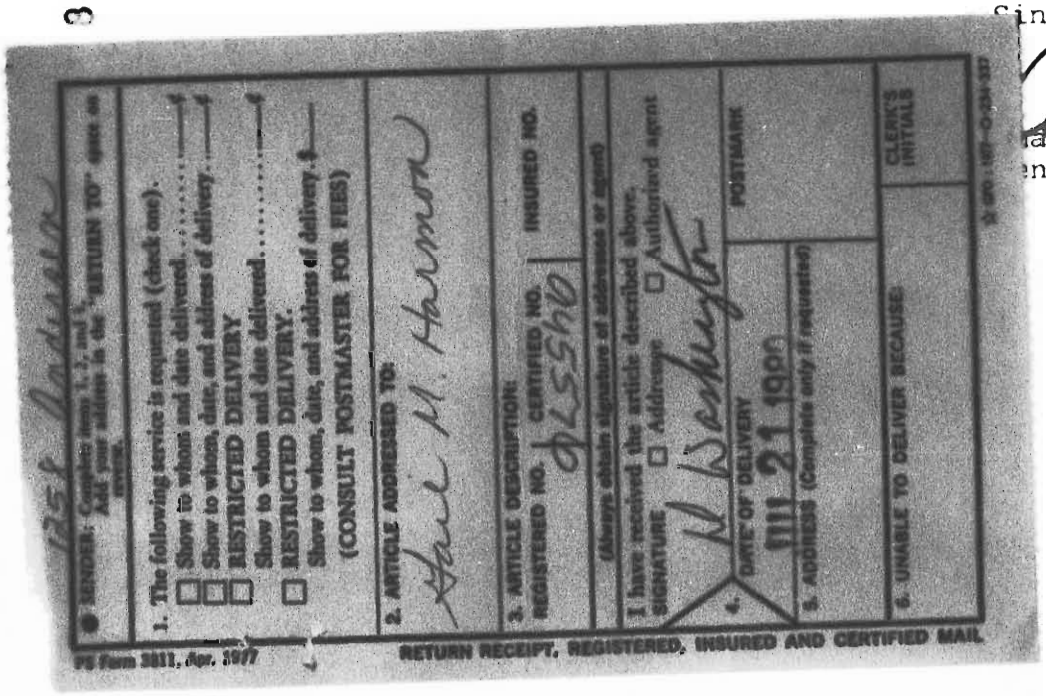
Gail M. Harmon
Sheldon, Harmon & Weiss
1725 I Street, N.W.
Suite 506
Washington, D.C. 20006

Dear Ms. Harmon:

This letter is to acknowledge receipt of your complaint of July 9, 1980, against the National Right to Life PAC and the National Right to Life Committee 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



529 14th St. N.W
- Suite 341
- Wash, D.C. 20045
NRDC-PEC

Suite 557
- Nat. Rifle to Inter. Etc,
Cambridge Etc -

1258

BCC# 1430

MUR 125

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'80 JUL 11 AM 10:57

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 JUL 14 P4:37

FEDERAL ELECTION COMMISSION
LEGAL COUNSEL

July 9, 1980

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

Dear Sir/Madam:

On behalf of the National Abortion Rights Action League ("NARAL"), I am filing the following complaint of violations of Federal Election Laws by the National Right to Life Committee ("NRC") and the National Right to Life Political Action Committee ("NRL-PAC").

NRLC is a non-profit membership corporation organized to lobby the United States Congress on "pro-life" or "anti-choice" issues; NRL-PAC is the separate segregated fund or connected organization of NRLC. NRL-PAC has violated and continues to violate the §441(b) restrictions on solicitation of the general public while NRLC is violating the §441(b) prohibition on contributions or expenditures in connection with any election or political office by any corporation.

The vehicle for both violations is a letter allegedly being mailed only for former members of NRLC, who as such are simply members of the general public. Attachment "A" The letter not only endorses the re-election of two named Congressmen, but repeatedly describes the activity and importance of NRL-PAC. It is apparent that the letter's intent is to inform people of the PAC's activities and to induce them to rejoin so as to contribute to and strengthen the NRL-PAC.

The legislative history of the Federal Election Campaign Act as well as interpretations made in Advisory Opinions (AO 1976-27 and 1979-13) indicate that "solicitation" can include simply informing people of fundraising activity as is done in this letter. Numerous references are made to the huge financial burden the current membership of NRLC has had to shoulder, and the correlations between contributing money and saving "babies'" lives is particularly stressed. Because the emphasis on the activities and need for money by NRL-PAC is so strong, we feel this constitutes a gross attempt by NRL-PAC to circumvent §441(b) by illegally soliciting the general public. A.O. 79-13.

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While a membership organization may regularly enclose a solicitation along with the dues statement sent to members (AO 1979-68), this letter is clearly not a renewal notice but rather at best a plea to lapsed members to rejoin. Former members have not been in contact with the organization for at least nine months and can no longer be defined as affiliated with NRLC.

Furthermore, NRLC did not limit this solicitation to former members. Attached as Exhibit "B" is an affidavit from Nina Heagstedt who received the solicitation attached as Exhibit "A" but was never a member of NRLC.

In addition, by specifically mentioning the names and endorsing re-election of two Congressmen, NRLC has made an expenditure in connection with an election or political office, a clear violation of §441(b). On February of this year, the U.S. Court of Appeals for the Second Circuit, No. 79-3014, in F.E.C. v. Central Long Island Tax Reform Immediately clarified that the law specifically requires express advocacy of a political nature to constitute an independent expenditure. In the course of sending this letter containing the endorsement, the NRLC has obviously overstepped the bounds of §441(b). NARAL respectfully requests that you investigate this matter fully and promptly.

I have prepared this complaint and believe 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/lc
Enclosures

Signed and subscribed to before me this 11th day of July, 1980.

Luanne M. Washington
NOTARY PUBLIC
My Commission Expires December 14, 1984

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'80 JUL 14 AM 10 57

EXHIBIT "A"

AFFADAVIT OF NINA HEAGSTEDT

I, Nina Heagstedt, hereby do solemnly swear that I have never been a member of the National Right to Life Committee and have at no time contributed money to the Committee.

I was included on their mailing list for press purposes only.

Nina Heagstedt

Nina Heagstedt

NOTARY:

Signed and sworn to before me
this 7th day of July, 1980.

Maxine M. Washington

My Commission expires December 14, 1984

SHELDON, HARMON & WEISS
1725 I STREET, N.W.
SUITE 506
WASHINGTON, D.C. 20006

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

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1258

Date Filmed 10/25/82 Camera No. 1

Cameraman J.A.D.

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