



FEDERAL ELECTION COMMISSION

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

*D. Kurt
of Atty. assigned*

JAN 19 1977

Mr. John Arena
708 Lee Street
Rome, New York 13440

Re: MUR 326 (76)

Dear Mr. Arena:

On January 18, 1977, the Commission voted to terminate its inquiry into your alleged violation of 2 U.S.C. §434(e). The Commission determined that there has been substantial voluntary compliance with the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission intends to close its file on this matter.

770410033

A copy of the Commission's determination and the General Counsel's Report is enclosed for your information. I also have enclosed a copy of the Commission's notice on independent expenditures reporting and additional disclosure forms in order to facilitate your future compliance with the provisions of 2 U.S.C. §434(e). If you have any questions, please contact David Anderson (telephone No. 202-382-3153), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

JAN 19 1977

Mr. Thomas R. DeYulia
321 Wyntrop Road
Syracuse, New York 13209

Re: MUR 326 (76)

Dear Mr. DeYulia:

On January 18, 1977, the Commission voted to terminate its inquiry into the alleged violation of 2 U.S.C. §434(e) by John Arena. The Commission determined that there has been substantial voluntary compliance by Mr. Arena with the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission intends to close its file in this matter.

A copy of the Commission's determination and the General Counsel's report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone No. 202-382-3153), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

770400039



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
John Arena

)
) MUR 326 (76)
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 18, 1977, the Commission determined by a vote of 4 - 0, that there was no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, had been committed in the above-captioned matter. Voting that there was no reason to believe were Commissioners Aikens, Staebler, Thomson, Tiernan. Commissioners Harris and Springer were absent.

Accordingly, the file in this matter has now been closed.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040060383

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 326 (76)
)
John Arena)

GENERAL COUNSEL'S REPORT

I. Allegations

This matter arises out of a complaint filed with the Federal Election Commission on November 1, 1976, by Thomas R. De Yulia, the manager of the Syracuse, New York office of Congressman James M. Hanley. The complaint alleged that while John Arena purchased an advertisement which expressly advocated the election of George C. Wortley and the defeat of Congressman Hanley, that Mr. Arena failed to report this as an independent expenditure. 2 U.S.C. §434(e).

II. Evidence

On October 13, 1976 an advertisement appeared in the Syracuse Catholic Sun ("SCS") which was addressed to "Pro-Life Catholics" and was devoted to criticizing Daniel Moynihan and Congressman Hanley as "Anti-Life" candidates and praising Senator James Buckley and George Wortley as true "Pro-Life" candidates. The advertisement went on to state that "[y]ou are strongly and prayerfully urged, regardless of your Party affiliation, to vote for James Buckley for United States Senator and for George Wortley for United States

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Congressman." The advertisement stated that it was "[n]ot authorized by Friends of Jim Buckley or Wortley for Congress Committee. Paid for by John Arena." A telephone conversation between Commission staff and an advertising representative of the SCS revealed that the cost of such an advertisement would probably amount to approximately \$272.75. A review of the Commission's records showed that Mr. Arena did not file an independent expenditure report concerning the purchase of the advertisement.

Subsequently, Monsignor Charles J. Farley wrote a letter to the editor which appeared in the October 20, 1976 issue of the SCS. This letter consisted of a criticism of Mr. Arena's earlier advertisement and a defense of Congressman Hanley. Mr. Arena responded by placing an advertisement in the Syracuse Herald Journal which apparently was intended to refute the Monsignor's letter. This advertisement concluded by stating that "Pro-Life Readers, regardless of party or religious affiliation are strongly urged to support only Pro-Life candidates" There followed a list of candidates who were designated by Mr. Arena as "Pro-Life." This advertisement stated that it was "[p]aid for by John Arena, 708 Lee Street, Rome, N.Y."

FLORIDA ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

A review of the Commission's records revealed that Mr. Arena did not file an independent expenditure report concerning the purchase of the advertisement.

The Commission found reason to believe that Mr. Arena made independent expenditures for the purchase of the newspaper advertisement, yet failed to report these expenditures as provided in 2 U.S.C. §434(e). Accordingly, on December 6, 1976 a letter was sent to Mr. Arena informing him of his obligations under the Act and including a copy of the notice of independent expenditure reporting and appropriate forms. He received this information from the Commission on December 8, 1976. In his letter (see Attachment #1), Mr. Arena admitted that he purchased the advertisements and that in doing so he did not "cooperate, consult, coordinate or receive the blessings or disapproval, of any candidates I supported. The same is true of candidate's agents." Mr. Arena also stated that "I certify further that until the day I received a letter from the Federal Election Commission (dated December 6, 1976) I had no idea I was required to file a report." Mr. Arena included the completed independent expenditure report with his letter. (See Attachment #2.)

7704006039

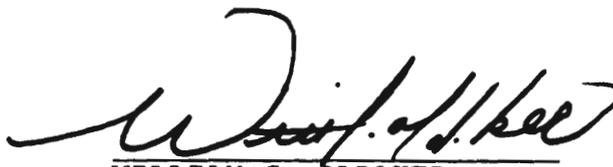
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
COPY

III. Analysis and Recommendation

There appears to have been substantial voluntary compliance in this matter since Mr. Arena admits that his failure to file the requisite independent expenditure report was inadvertent, is now aware of the requirements of 2 U.S.C. §434(e), and has filed an appropriately completed form as requested. Accordingly, we are of the view that this file should be closed.

IV. Conclusion

We recommend that this matter be closed and the attached letters be sent.



WILLIAM C. OLDAKER
GENERAL COUNSEL

DATE:

1/11/77

77040021301

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

cc 1157
mur 326

December 15, 1976

ATTACHMENT #1

'76 DEC 20 AM 10:29

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

Re: MUR 326 (76)

764238

To Whom It May Concern:

This is to certify that on October 13, 1976 I had a paid ad printed in the Catholic Sun, a weekly newspaper in Syracuse, N.Y. One of the reasons for the ad was to urge readers to vote for the re-election of Senator James Buckley and to vote into office George Wortley who was running against anti-life incumbent Congressman James Hanley from the 32nd Congressional District.

On October 31, 1976 I had an Open Letter printed in the Syracuse Herald Journal. The same ad was printed in the Syracuse Post Standard and the Syracuse Herald Journal on November 1, 1976.

The primary reason for that letter was to refute what Msgr. Charles Fahy, a pro-abortion Catholic priest, and an avid supporter of anti-life legislators, had said about me and my ad in a letter to the editor of the Catholic Sun.

The secondary reason for the latter ad was to support pro-life candidates at the national, state and local levels.

At no time did I cooperate, consult, coordinate or receive the blessings, or disapproval, of any of the candidates I supported. The same is true of the candidates' agents.

I certify further that until the day I received a letter from the Federal Election Commission (dated December 6, 1976) I had no idea I was required to file a report.

In the letter of complaint sent to the Federal Election Commission by Mr. Thomas R. DeYulia, he states my advertisement was misleading and absolutely derogatory to the character, voting record and public positions taken by Congressman James M. Hanley.

I categorically deny, and bitterly resent, these false observations and accusations by Mr. DeYulia, who is an employee of Congressman Hanley. He obviously has a warped sense of loyalty and is only interested in putting up a smoke screen to protect the false image of his anti-life boss.

On November 2, 1976 Congressman Hanley was supported, and possibly voted into office, by thousands of people, mostly Catholics, who mistakenly believe he is Pro-Life and would support a Human Life Amendment.

Mr. Thomas R. DeYulia, in my opinion, is a misinformed, misguided and unmitigated "ass." For an employee of Congressman Hanley, he has a lot to learn about his boss.

Congressman James M. Hanley has taken a definite position on the only issue I am concerned with and speaking about, "Abortion and a Human Life Amendment" which would ban this barbaric practice.

OFFICE OF GENERAL COUNSEL

77141133

During the 93rd Congress, a human life amendment was being considered in an amendments sub-committee. Congressman Don Edwards from California, the Chairman, and an outspoken proponent of abortion, would not let it out of committee so it could be voted on by the full house.

Congressman Hogan from Maryland (no longer in Congress) submitted the Hogan Discharge Petition. If a sufficient number of congressmen voted for the discharge petition, it could have come up for a vote. Does Mr. DeYulia know that his hero, Congressman Hanley, refused to sign the discharge petition. Remember, this was not a vote for, or against, abortion but only a vehicle to bring it up for a vote. Was Congressman Hanley afraid to have it come up for a vote because it would then be obvious to his constituents that he was really in favor of legalized abortion?

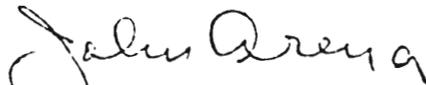
Congressman Hanley repeatedly states that he is personally opposed to abortion (a most nauseating expression and a flagrant cop-out). He, however, has gone on record countless times by saying he would not support a human life amendment. If Mr. DeYulia and Msgr. Fahey think Congressman Hanley is truly Pro-Life, I defy him (Congressman Hanley) to make a public statement or prepare a written document that he would support a human life amendment if and when it came up for a vote in the House of Representatives.

In the meantime Thomas DeYulia should get off his soapbox and call "a spade a spade" and realistically call his boss, Congressman Hanley, what he really is, a pro-abortion legislator.

I would appreciate having some questions answered. Am I subject to a fine for inadvertently failing to file a report? If so, what would it be? What are the appeal procedures, etc.?

Any other information available regarding independent expenditures in support of candidates will be appreciated. My ads this past October and November 1976 were my first attempts to oppose anti-life legislators but I do not expect them to be my last.

Sincerely,



JOHN ARENA
703 Lee Street
Rome, NY 13440

JA/av

cc: Thomas R. DeYulia
Congressman Hanley
Editor, Syracuse Herald American
" Syracuse Herald Journal
" Syracuse Post Standard
" New York Times
" Newsweek
" The Washington Post
" The Wanderer
" National Right to Life News
" N.Y. State Right to Life Newsletter

SEARCHED
SERIALIZED
INDEXED
FILED
JAN 1977
FBI - SYRACUSE
OFFICE OF GENERAL COUNSEL

cc: Chairman, National Right to Life Committee
" N.Y. State Right to Life Committee
" Syracuse Right to Life Committee
" Onondaga County Right to Life Committee
" Madison County Right to Life Committee
" Cortland Right to Life Committee

ENCL: FEC Form 5

STATE OF NEW YORK)
) ss:
COUNTY OF ONEIDA

Sworn to before me on this *17th* day of December 1976.

William J. ...

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77040001691

OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

REPORT OF INDEPENDENT
 EXPENDITURES OR CONTRIBUTIONS
 BY PERSONS

ATTACHMENT #2

(Instructions on reverse side)

Note: Every person (other than a political committee or candidate) who makes contributions or expenditures for communications which expressly advocate the election or defeat of a clearly identified candidate for federal office, other than by contribution to a political committee or candidate, in an aggregate amount in excess of \$100 within a calendar year must file this Report. (See reverse side). POLITICAL COMMITTEES do NOT file Reports of Receipts and Expenditures on FEC Form 5. Political committees file Reports on FEC Form 3.

1(a) Name of Person (in Full) JOHN ARENA	2 This is a Report of <input type="checkbox"/> Independent Expenditures <input type="checkbox"/> Independent Contributions <input type="checkbox"/> Both
(b) Address (Number & Street) 708 Lee Street	
(c) City, State & Zip Code Rome, NY 13440	

3 Type of Report (check appropriate box)
 April 10 October 10 Amendment to _____ Report
 July 10 January 31
 Tenth day report preceding _____ election on _____ in the state of _____
 (primary, general or convention) (date)
 Thirtieth day report following _____ election on 2 Nov 76 in the state of New York
 (primary, general or convention) (date)

4 Itemize expenditures and contributions which exceed, in the aggregate, \$100 within a calendar year.

Full Name, Mailing Address & Zip Code of Each Payee	Purpose of Expenditure/Contribution	Date (month, day, year)	Amount	Name of Federal Candidate advocated by the Expenditure/Contribution
<input checked="" type="checkbox"/> Expenditure to Catholic Sun (weekly newspaper) Syracuse, NY	To bring to the attention of the reader the realities of the abortion issue & to support Pro-Life legislators.	13 Oct 76	\$340	James Buckley (for U.S. Senator) George Wortley (for 32nd C. D.)
<input checked="" type="checkbox"/> Expenditure to Herald American, Syracuse, NY Herald Journal, Syracuse, NY Post Standard, Syracuse, NY	Open letter to Msgr Charles Fahey & to endorse Pro-Life legislators	31 Oct 76 1 Nov 76 1 Nov 76	\$945	James Buckley (U.S. Senate) Robert McEwen (30th C. D.) Donald Mitchell 31st C. D.
<input type="checkbox"/> Expenditure to _____				George Wortley 32nd C. D. W. M. Walsh 33rd C. D. Martin Auer 29th Senate Dist
<input type="checkbox"/> Expenditure to _____				W. M. Sears 115 Assembly Dist Nick Calogero 116th Assembly Dist 117th Assembly Dist

(b) Subtotal of Itemized Expenditures and/or Contributions.....	\$ 1285.00
(c) Subtotal of Unitemized Expenditures and/or Contributions.....	\$ _____
(d) Total Expenditures and/or Contributions.....	\$ 1,285.00

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

John Arena (Signature) 15 Dec 1976 (Date)
 JOHN ARENA, 708 Lee Street, Rome, NY 13440

OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

Mr. Thomas R. DeYulia
321 Wynthrop Road
Syracuse, New York 13209

Re: MUR 326 (76)

Dear Mr. DeYulia:

On January , 1977, the Commission voted to terminate its inquiry into the alleged violation of 2 U.S.C. §434(e) by John Arena. The Commission determined that there has been substantial voluntary compliance by Mr. Arena with the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission intends to close its file in this matter.

A copy of the Commission's determination and the General Counsel's report is enclosed for your information. If you have any questions, please contact David L. Anderson (telephone No. 202-382-3153), the attorney assigned to this matter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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FEDERAL ELECTION COMMISSION

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

Mr. John Arena
708 Lee Street
Rome, New York 13440

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Sincerely yours,

William C. Oldaker
General Counsel

Enclosures



ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

7714101301

SYRACUSE HERALD-JOURNAL

Wednesday, Dec. 29, 1976

City Desk: Telephone 473-7820

Page 17

Attacked Hanley, priest Political ads probed

The Federal Election Commission is investigating the circumstances surrounding a Rome man's political advertisements which opposed Rep. James M. Hanley and criticized Msgr. Charles Fahey's support of the congressman.

Specifically, the FEC investigation is centering on John Arena's alleged failure to file proper expenditure reports for expenses exceeding \$100.

The advertisements, one titled an "Open Letter to Monsignor Charles J. Fahey," and the other titled "Attention: All Pro-Life Catholics," represented a combined expenditure of \$1,285. They appeared Oct. 31 and Nov. 1 in local publications.

Anti-Life Charges

In his ads, Arena accused Hanley of being anti-life in regards to his stand on abortion, and he accused Msgr. Fahey of defending "anti-life Congressman James Hanley."

The charges against Arena were filed by Hanley's Syracuse aide, Thomas DeYulia.

DeYulia said the advertisement expressly advocated the election of Hanley's opponent, George C. Wortley, in the November election.

"Additionally, this advertisement was misleading and absolutely derogatory to the character, voting record and public positions taken by Congressman James M. Hanley, 32nd Congressional District, New York," DeYulia said.

Didn't File Statements

The congressional aide told the FEC he learned Arena didn't file the necessary notification statements, and he ran the advertisement "allegedly on his own authority."

Arena said he ran the ads at his own expense without the knowledge, cooperation or concurrence of the candidates and he didn't know the Federal Election Campaign Act required anyone spending more than \$100 during a calendar year to file with the FEC.

In a letter to the FEC, Arena said he paid for the first ad to urge the re-election of Sen. James Buckley and for the election of Wortley.

Another ad, he said, was to "refute what Msgr. Charles Fahey, a pro-abortion Catholic priest, and an avid supporter of anti-life legislators, had said about me and my ad in a letter to the editor of the Catholic Sun."

Resentful

Arena said he bitterly resents what he termed the false observations and accusations made by DeYulia in his letter of charges to the FEC. "He obviously has a warped sense of loyalty and is only interested in putting up a smoke screen to protect the false image of his anti-life boss," Arena said.

Msgr. Fahey said Arena has a "terribly consuming interest in the right to life," and apparently became upset with the relationship between the Catholic Diocese and the SUPPORT group, an agency of the diocese which makes arrangements for unwed mothers to allow them to give birth. The group, however, has been accused by the pro-life group of counseling women on the availability of abortions.

7704100101

CC 1157
MUR 326

FEDERAL ELECTION COMMISSION
December 15, 1976

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

'76 DEC 20 AM 10:29

Re: MUR 326 (76)

764238

To Whom It May Concern:

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The secondary reason for the latter ad was to support pro-life candidates at the national, state and local levels.

At no time did I cooperate, consult, coordinate or receive the blessings, or disapproval, of any of the candidates I supported. The same is true of the candidates' agents.

I certify further that until the day I received a letter from the Federal Election Commission (dated December 6, 1976) I had no idea I was required to file a report.

In the letter of complaint sent to the Federal Election Commission by Mr. Thomas R. DeYulia, he states my advertisement was misleading and absolutely derogatory to the character, voting record and public positions taken by Congressman James M. Hanley.

I categorically deny, and bitterly resent, these false observations and accusations by Mr. DeYulia, who is an employee of Congressman Hanley. He obviously has a warped sense of loyalty and is only interested in putting up a smoke screen to protect the false image of his anti-life boss.

On November 2, 1976 Congressman Hanley was supported, and possibly voted into office, by thousands of people, mostly Catholics, who mistakenly believe he is Pro-Life and would support a Human Life Amendment.

Mr. Thomas R. DeYulia, in my opinion, is a misinformed, misguided and unmitigated "ass." For an employee of Congressman Hanley, he has a lot to learn about his boss.

Congressman James M. Hanley has taken a definite position on the only issue I am concerned with and speaking about, "Abortion and a Human Life Amendment" which would ban this barbaric practice.

FEDERAL ELECTION COMMISSION
ORIGINAL FILE COPY
OFFICE OF GENERAL COUNSEL

77091149

During the 93rd Congress, a human life amendment was being considered in an amendments sub-committee. Congressman Don Edwards from California, the Chairman, and an outspoken proponent of abortion, would not let it out of committee so it could be voted on by the full house.

Congressman Hogan from Maryland (no longer in Congress) submitted the Hogan Discharge Petition. If a sufficient number of congressmen voted for the discharge petition, it could have come up for a vote. Does Mr. DeYulia know that his hero, Congressman Hanley, refused to sign the discharge petition. Remember, this was not a vote for, or against, abortion but only a vehicle to bring it up for a vote. Was Congressman Hanley afraid to have it come up for a vote because it would then be obvious to his constituents that he was really in favor of legalized abortion?

Congressman Hanley repeatedly states that he is personally opposed to abortion (a most nauseating expression and a flagrant cop-out). He, however, has gone on record countless times by saying he would not support a human life amendment. If Mr. DeYulia and Msgr. Fahey think Congressman Hanley is truly Pro-Life, I defy him (Congressman Hanley) to make a public statement or prepare a written document that he would support a human life amendment if and when it came up for a vote in the House of Representatives.

In the meantime Thomas DeYulia should get off his soapbox and call "a spade a spade" and realistically call his boss, Congressman Hanley, what he really is, a pro-abortion legislator.

I would appreciate having some questions answered. Am I subject to a fine for inadvertently failing to file a report? If so, what would it be? What are the appeal procedures, etc.?

Any other information available regarding independent expenditures in support of candidates will be appreciated. My ads this past October and November 1976 were my first attempts to oppose anti-life legislators but I do not expect them to be my last.

Sincerely,



JOHN ARENA
708 Lee Street
Rome, NY 13440

JA/av

cc: Thomas R. DeYulia
Congressman Hanley
Editor, Syracuse Herald American
" Syracuse Herald Journal
" Syracuse Post Standard
" New York Times
" Newsweek
" The Washington Post
" The Wanderer
" National Right to Life News
" N.Y. State Right to Life Newsletter

cc: Chairman, National Right to Life Committee
" N.Y. State Right to Life Committee
" Syracuse Right to Life Committee
" Onondaga County Right to Life Committee
" Madison County Right to Life Committee
" Cortland Right to Life Committee

ENCL: FEC Form 5

STATE OF NEW YORK)
) ss:
COUNTY OF ONEIDA

Sworn to before me on this 17th day of December 1976.

Melvin R. [Signature]

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OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK
ALBANY, N.Y. 12242

Mr. Thomas R. DeYulia
321 Wynthrop Road
Syracuse, New York 13209

DEC 06 1976

Re: MUR 326 (76)

Dear Mr. DeYulia:

This letter acknowledges receipt of your complaint dated October 29, 1976, alleging a violation of 2 U.S.C. §434(e) of the Federal Election Campaign Act of 1971, as amended ("the Act") by Mr. John Arena. We have numbered your complaint as MUR 326 (76). Please refer to this number in all future correspondence.

A copy of your complaint has been forwarded to the respondent. If you have any further evidence you wish to make available to the Commission, please submit it within five days of the receipt of this letter. For your information, we have enclosed a brief description of the Commission's preliminary procedures for the handling of complaints.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission unless the respondent agrees in writing to make the investigation public. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

The attorney assigned to this case is David L. Anderson (telephone No. 202-388-3153). Please contact him if you have any questions.

Sincerely yours,

151

John G. Murphy, Jr.
General Counsel

Enclosures

DAnderson:cfb:11/19/76
cc: Compliance Section
DA

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

77040030405

DEC 06 1976

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Arena
798 Lee Street
Roma, New York 13440

Re: MUR 326 (76)

Dear Mr. Arena:

This is to notify you that the Federal Election Commission has received a complaint, which we have numbered MUR 326 (76), in which it is alleged that you made independent expenditures for the purchase of newspaper advertisements, yet failed to report these as provided in 2 U.S.C. §434(e). Copies of the complaint and advertisements are enclosed.

To facilitate your reporting of these independent expenditures, I enclose a copy of the notice of independent expenditures reporting and the appropriate forms. Since the Commission is under a duty to investigate this matter expeditiously, you are requested to complete and return the enclosed forms within ten days of the receipt of this letter.

If you have any questions, please contact David L. Anderson. (telephone No. 202-382-3153), the attorney assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclôtures

DAnderson:cfb:11/18/76
CC: Compliance Section
DA

77040050407

77040760402

PS Form 3811, Rev. 1975

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

cc

● **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..... 15¢

Show to whom, date, & address of delivery.. 35¢

RESTRICTED DELIVERY.
Show to whom and date delivered..... 65¢

RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

John Area

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>438426</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

John Area

4.

DATE OF DELIVERY	POSTMARK
<i>12-8-76</i>	

5. ADDRESS (Complete only if requested)

708 Leo

6. UNABLE TO DELIVER BECAUSE:

	CLERK'S INITIALS
--	------------------

RECEIVED
THE COPY
GENERAL COUNSEL

DATE AND TIME OF TRANSMITTAL: 11-30-76
3:30

NO. 326 (76)
REC'D: 11/1/76

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Thomas R. DeYulia

Respondent's Name: John Arena

Relevant Statute: 2 U.S.C. §434(e)

Internal Reports Checked: Reports on independent expenditures

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

Complainant alleges that John Arena purchased an advertisement in the Syracuse Catholic Sun which appeared on October 13, 1976. Complainant contends that while the advertisement expressly advocated the election of George C. Wortley and the defeat of Congressman James M. Hanley, that Mr. Arena failed to report this independent expenditure. 2 U.S.C. §434(e).

PRELIMINARY LEGAL ANALYSIS

The advertisement was addressed to "Pro-Life Catholics" and was devoted to criticizing Daniel Moynihan and Congressman James M. Hanley as "Anti-Life" candidates and praising Senator James Buckley and George Wortley as true "Pro-Life" candidates. (See attachment #1.) The advertisement stated that it was "[n]ot authorized by Friends of Jim Buckley or Wortley for Congress Committee. Paid for by Jim Arena." A telephone conversation between (cont.)

RECOMMENDATION

Find reason to believe; send attached letters.

FEDERAL ELECTION COMMISSION
ORIGINAL COPY
11/1/76

Attention: All Pro-Life Catholics

By John Arena

There is nothing more tragic than the Catholic politician who pretends to be Pro-Life when he is not. To make matters infinitely worse, however, many have the temerity to publicize and to seek votes from their fellow Catholics in Diocesan newspapers under false pretenses. Hugh Carey, when running for Governor of New York State in 1974, successfully used this tactic. Heaven only knows how many thousands of Catholics were "misled" into voting for this Anti-Life Politician who consistently voted in support of the Pro-Abortion and Anti-Life factions. He even went so far as to veto a Parental Rights Bill. This, of course, means that he advocates that a minor child, even a 13-year-old, can have an abortion without her parent's knowledge and permission. Many abortions can only be classed as "major surgery," but this did not faze this Catholic (?) politician.

Now another Catholic (?) aspires to be a United States Senator from New York. Daniel Moynihan has already publicized in many Diocesan newspapers, seeking the Catholic vote, primarily on the grounds that he claims to be Pro-Life and opposed to abortion.

In a letter dated August 25, 1976, and addressed to Mr. Robert McKeon, Political Action Chairman of the New York State Right to Life (RTL) Committee, however, Mr. Moynihan unequivocally went on record by stating the following: **"I WILL NOT SEEK A CONSTITUTIONAL AMENDMENT TO PROHIBIT ABORTIONS."**

Do you realize what this means? Without a Constitutional Amendment to protect the unborn, only the following can happen:

1) The slaughter of unborn children, now numbering more than a million a year, will continue unabated and in increasing numbers.

2) The experimentation on babies, taken alive from the mothers who decided to kill their own children by abortion, will continue at tax-payer expense.

3) Abortion clinics, that can only be equated as "Human Slaughter Houses," will continue to flourish and enrich their owners. They will also provide lucrative sources of income for many medical Doctors who were originally trained and educated to save lives and relieve human suffering, but now specialize in killing live, unborn babies.

4) Minor children will continue to be able to have abortions without their parent's knowledge and permission and will be subjected to death, sterility and disability. Should even life-threatening complications arise, they cannot be treated unless their parents give permission and assume financial responsibility for whatever medical and hospital costs accrue.

This is the type of insanity that Daniel Moynihan intends to support.

Senator James Buckley, on the other hand, has been one of the most out-spoken and prodigious workers in the fight to protect the unborn in the entire United States Senate. He has been an outstanding and effective leader in the Pro-Life Movement.

Another Catholic (?) United States Congressman James M. Hanley (32nd Congressional District), is one of those politicians who uses the nauseating term "I'm personally opposed to Abortion but . . ." will do nothing to work toward a Human Life Amendment to end the slaughter of unborn children.

George Wortley, who is a true Pro-Life Candidate, opposing Hanley, is an outspoken and sincere defender of the unborn and intends to work vigorously for a Human Life Amendment.

You are strongly and prayerfully urged, regardless of your Party affiliation, to vote for James Buckley for United States Senator and for George Wortley for United States Congressman.

Your vote can
make the difference.

support Buckley
and Wortley
for Life

ATTACHMENT
#1

Not authorized by friends of Jim Buckley or Wortley
to Congress Committee. Paid for by John Arena.



OPEN LETTER TO MONSIGNOR CHARLES J. FAHEY

By John Arena

BACKGROUND INFORMATION - IN the October 13, 1976 issue of the CATHOLIC SUN, I had a paid political ad printed exposing Senatorial candidate Daniel Moynihan for his true pro-Abortion stand. I also exposed Congressman James Hanley (32nd Congressional District) for his pro-Abortion stand and for his refusal to support a Constitutional Amendment to end the legalized slaughter of unborn babies by Abortion. In a letter to the Editor, in the October 20, 1976 issue of the SUN, Monsignor Charles J. Fahey criticized me for my ad and defended Hanley, identifying him as an exemplary Catholic and thoroughly Pro-Life. The Catholic Sun refused to print my rebuttal in a letter to the Editor. It also refused to print it as a paid ad. A HERALD-AMERICAN paid ad, consequently, is my only means of publically refuting Monsignor Fahey's unrealistic, inaccurate and patently false defense of an anti-life Congressman.

"Dear Monsignor Fahey,

Your defense of anti-Life Congressman James Hanley comes as no small surprise. It is, for example, common knowledge that ALETHEA, THE CENTER ON DEATH AND DYING, according to their once-secret 42-page plan, is dedicated to legalizing Euthanasia in New York State, by 1983. You have never tried to hide the fact that you are one of their greatest defenders. "SUPPORT", the so-called Alternatives to Abortion Agency, which received thousands of dollars of Catholic Respect Life Funds, has for years consistently and routinely made abortion referrals. You have been a staunch defender of "SUPPORT", in spite of overwhelming evidence that all the charges made against them are true. You have refused to admit that is specifically why they were evicted from the Chancery and cut off from Catholic funding. You have refused to admit that these actions were taken only because of exposure, pressure and picketing of the Chancery, by the Concerned Catholics Committee (CCC). Yet, in your eyes, "SUPPORT" is still a pro-Life organization and members of CCC and Right to Life are the villains. You have a well-earned and well-deserved reputation of being a strong defender of anti-Life organizations and people. You are also obviously hostile to the Pro-Life Movement

But, let's get back to Congressman Hanley to see just how pro-Life he really is. No politician can be considered pro-Life unless he is willing to work toward a Human Life Amendment which will provide legal protection to the defenseless unborn child subject to the abortionist's knife. Congressman Hanley has consistently refused to work toward such an Amendment and has gone on record as saying he would not do anything to overturn the Supreme Court Decision which legalized Abortion. This infamous Court decision has caused a massive flood of innocent blood which has stained the length and breadth of America. It also, and most certainly, has created a stench in the nostrils of Almighty God.

Monsignor Fahey, how can you possibly say Congressman Hanley is thoroughly pro-Life when he refuses to take any positive action to end the greatest slaughter of human life in the history of our Country?"

John Arena
703 Lee St.
Rome, NY 13440

Pro-Life Readers, regardless of party or religious affiliation, are strongly urged to support only Pro-Life candidates, as follows:

FOR UNITED STATES SENATE: James Buckley

FOR UNITED STATES CONGRESS:

- Robert McEwen-30th Congressional District
- Donald Mitchell-31st Congressional District
- George Wortley -32nd Congressional District
- Wm. Walsh - 33rd Congressional District

FOR N.Y. STATE SENATE:

Martin S. Auer - 49th Senate District

FOR N.Y. STATE ASSEMBLY:

- Wm. Sears - 115th Assembly District
- Nick Calogero - 116th Assembly District
- John Zagame - 117th Assembly District
- Clarence Rappleyea-122nd Assembly District

Paid for by John Arena, 703 Lee St., Rome N.Y.

FEDERAL BUREAU OF INVESTIGATION
COMMUNIST FILE COPY
OCT 1976

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Arena
798 Lee Street
Rome, New York 13440

Re: MUR 326 (76)

Dear Mr. Arena:

This is to notify you that the Federal Election Commission has received a complaint, which we have numbered MUR 326 (76), in which it is alleged that you made independent expenditures for the purchase of newspaper advertisements, yet failed to report these as provided in 2 U.S.C. §434(e). Copies of the complaint and advertisements are enclosed.

To facilitate your reporting of these independent expenditures, I enclose a copy of the notice of independent expenditures reporting and the appropriate forms. Since the Commission is under a duty to investigate this matter expeditiously, you are requested to complete and return the enclosed forms within ten days of the receipt of this letter.

If you have any questions, please contact David L. Anderson (telephone No. 202-382-3153), the attorney assigned to this matter.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosures



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OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

NOTICE OF INDEPENDENT EXPENDITURES REPORTING

As you may know Federal law no longer limits the amount of money which persons may spend "independently" to advocate the election or defeat of candidates for Federal offices. In order to qualify for nonlimitation, however, such independent expenditures must be made without any cooperation, consultation, or coordination with a candidate for Federal office or his or her agents. (Expenditures which are made in cooperation, consultation, or coordination, with a candidate or the candidate's agents are considered to be contributions under the law and therefore limited by the contribution limitations of 2 U.S.C. Section 441a.)

The Federal Election Campaign Act requires that any persons who make qualified "independent expenditures" aggregating in excess of \$100 during a calendar year must file with the Commission a proper report disclosing all expenditures and itemizing each expenditure in excess of \$100. This itemization must include the identification of each person on behalf of whom the expenditure was made, the purpose of the expenditure, the date, and amount, the identity of the candidate, and the office sought, and whether the expenditure was in support of or in opposition to the candidate. In addition, every person who makes an "independent expenditure" must certify, under penalty of perjury, that such expenditure was not made with the cooperation, consultation, or coordination with the candidate or his or her agent. The Commission has prepared two methods by which persons or political committees must report their independent expenditures.

- ✓ 1) Any person, other than a political committee must report on FEC Form 5 accompanied by a separate statement signed by the person making the expenditure so stating that it was not made in cooperation, consultation, or coordination with the candidate or his or her agent. This separate statement must be notarized. Persons must file only for reporting periods during which expenditures are made. The reports are not cumulative.

(Continued on Back)



FEDERAL ELECTION COMMISSION
OFFICE OF THE CLERK
WASHINGTON, D.C.

- 2) A political committee must report "independent expenditures" on FEC Schedule E which must be signed by the committee's treasurer and must be notarized. All "independent expenditures" must be reported quarterly, and during the pre- or post-election period for which the expenditure was made.

The Commission wishes to advise all persons of their right to file a complaint against individuals who have failed to report their independent expenditures. Under the provisions of the Federal Election Campaign Act of 1971, as amended, these complaints are to be signed, sworn to, and notarized and should describe the allegedly unreported independent expenditure in as much detail as possible. E. G. "Mr. Jones failed to report his independent expenditure for purchase of an advertisement which appeared on page 7 of the July 10, 1976 edition of the Centerville Daily News, which expressly advocated the election of Henry Smith to the United States Senate."

If you have any additional inquiries on this subject, please do not hesitate to contact our Office of General Counsel (202-382-5657). Complaints should be addressed to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463.

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OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



FEDERAL ELECTION COMMISSION

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

Mr. Thomas R. DeYulia
321 Wynthrop Road
Syracuse, New York 13209

Re: MUR 326 (76)

Dear Mr. DeYulia:

This letter acknowledges receipt of your complaint dated October 29, 1976, alleging a violation of 2 U.S.C. §434(e) of the Federal Election Campaign Act of 1971, as amended ("the Act") by Mr. John Arena. We have numbered your complaint as MUR 326 (76). Please refer to this number in all future correspondence.

A copy of your complaint has been forwarded to the respondent. If you have any further evidence you wish to make available to the Commission, please submit it within five days of the receipt of this letter. For your information, we have enclosed a brief description of the Commission's preliminary procedures for the handling of complaints.

Please note that 2 U.S.C. §437g(a) (3) enjoins any person from making public the fact of "any notification or investigation" by the Commission unless the respondent agrees in writing to make the investigation public. The unauthorized disclosure of this matter is subject to the fine provided in 2 U.S.C. §437g(c).

The attorney assigned to this case is David L. Anderson (telephone No. 202-382-3153). Please contact him if you have any questions.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosures



FEDERAL ELECTION COMMISSION
RECEIVED
OCT 31 1976
GENERAL COUNSEL

Description of Preliminary Procedures
for Handling of Verified Complaints Received
by the Federal Election Commission

All mail is received by the Federal Election Commission mailroom [where it is logged in and a control slip is filled out.] The mailroom [refers all complaints to the Compliance Division of the Office of General Counsel, where they are assigned a MUR number and referred to a staff member.

As soon as feasible -- where possible within 48 Hours -- the Office of General Counsel develops a preliminary report on the complaint. This report includes a summary of the complaint, a preliminary legal analysis and a recommendation for Commission action, including appropriate letters of notification to you and the parties named in your complaint. For example, the report may recommend a preliminary inquiry or an investigation or alternatively, it may recommend closing the file because there is no jurisdiction or no reason to believe a violation of the Act has occurred. The recommendation in the report must be approved by a majority of all Commissioners in order for it to become effective. Following Commission action, all correspondence is mailed. If the file is to remain open,

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20543

you will be given five days to submit any further information you deem relevant. Thereafter, unless we require further information, we will not contact you until the matter is resolved.

The procedures governing subsequent actions are set forth in 2 U.S.C. §437g and §111 of the Commission's proposed regulations.

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GENERAL FILE COPY
OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION

1. Memo to Oldaker from Emmons - 12/2/76

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed

Kent Bullock

date

9/27/77