

HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

1726 M Street, NW, Suite 600 Washington, DC 20036

(202) 328-3500 (202) 328-6918 fax

April 21, 1999

Mr. Andrew Turley
Office of the General Council
Federal Election Commission
999 E Street, NW
Washington, DC 20463

APR 21 5 04 PM '99
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Mr. Turley:

Please find enclosed the signed Affidavit of Robert Wall, Treasurer of ProChoice Voter, that was missing from our response to MUR 4883. Please replace the faxed version of Exhibit 2 of our filing, which you received on Monday, April 19 of this year, with this original document. Also, the original Statement of Designation of Counsel from the above-referenced individual is also enclosed.

I apologize for any inconvenience this causes. If you have any questions or concerns, please feel free to contact me at 202/328-3500.

Sincerely,

Nicole M. McLaughlin

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IN THE CITY WHITE PLAINS
 NEW YORK

RECEIVED
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF THE CLERK
 APR 21 5 04 PM '99

AFFIDAVIT OF ROBERT A. WALL

I, Robert A. Wall, being first duly sworn, depose and say:

- 1) PROCHOICE VOTER (PCV) is a federally registered PAC. See Exhibit 1 (statement of organization).
- 2) PCV did not make contributions or expenditures during the 1998 election cycle.
- 3) All statements on PCV's FEC reports regarding the 1998 election cycle were accurate and true when made, and remain accurate and true today.

SS1

Robert A. Wall

 Robert A. Wall

Sworn to before me this
19th day of April, 1999.

Floyd A. Scholz

 Notary Public

Floyd A. Scholz
 Notary Public, State of New York
 No. 01SC5076942
 Qualified in Dutchess County
 Commission Expires April 28, 1999

My Commission Expires: April 28, 1999

STATEMENT OF ORGANIZATION

(See instructions on the reverse side for instructions)

1. Full Name of Committee (Do not fill) **PROCHOICE VOTER** Check if name or address is changed 2. Date **2/12/86** 3. F.C. Identification Number _____

(a) Address (Number and Street) **47 HAMAROCK AVE**

(c) City, State and ZIP Code **White Plains, N.Y. 10601**

4. Is this an amended Statement? YES NO

5. TYPE OF COMMITTEE (check one)

- (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District

(c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee. (name of candidate)

(d) This committee is a _____ committee of the _____ Party (National, State or subordinate) (Democratic, Republican, etc.)

(e) This committee is a separate segregated fund

(f) This committee supports/finances more than one Federal candidate and is NOT a separate segregated fund nor a party committee

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization.

- Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position, the person in possession of committee books and records

Full Name	Mailing Address and ZIP Code	Title or Position
ILLY ROTHSCHILD	47 HAMAROCK AVE White Plains NY 10601	Treas -

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer)

Full Name	Mailing Address and ZIP Code	Title or Position
Helen W. HEILGORN	47 HAMAROCK AVE White Plains NY 10601	

9. Banks or Other Depositories: List all banks or other depositories in which the committee keeps its funds, holds accounts, rents safety deposit boxes or maintains funds

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
SUNBURDLE NATIONAL BANK	100 S. ARCADE ST. NEW YORK N.Y. 10038

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

Type or Print Name of Treasurer **SIGNATURE OF TREASURER** Date: **2/12/86**

NOTE Submission of this statement of incomplete information may subject the person signing the Statement to the penalties of 2 U.S.C. §437g

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-633-4000

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FIC FORM 1 (3/80)

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EXHIBIT 2

Wall Affidavit

IN THE CITY WHITE PLAINS
 NEW YORK

AFFIDAVIT OF ROBERT A. WALL.


I, Robert A. Wall, being first duly sworn, depose and say:

- 1) PROCHOICE VOTER (PCV) is a federally registered PAC. See Exhibit I (statement of organization).
- 2) PCV did not make contributions or expenditures during the 1998 election cycle.
- 3) All statements on PCV's FEC reports regarding the 1998 election cycle were accurate and true when made, and remain accurate and true today.



 Robert A. Wall

Sworn to before me this 19th day of April, 1999.



 Notary Public

Floyd A. Scholz
 Notary Public, State of New York
 No. 01SC5076942
 Qualified in Dutchess County
 Commission Expires April 28, 1999

My Commission Expires: April 28, 1999

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EXHIBIT 3

IRS Determination Letter for WCLA

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
G.P.O. BOX 1680
BROOKLYN, NY 11202

DEPARTMENT OF THE TREASURY

Date: **DEC 2 1991**

WESTCHESTER COALITION FOR LEGAL
ABORTION INC
237 MAMMOCKNECK AVENUE
WHITE PLAINS, NY 10605

Employer Identification Number: 1-397,577
Contact Person: RICHIE JONES
Contact Telephone Number: (315) 780-6114

Internal Revenue Code Section 501(c)(4)
Accounting Period Ending: December 31
Form 990 Required: Yes
Addendum Applied: Yes

Dear Applicants:

Based on information supplied and assuming your operations are as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any one time for 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about these employment or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or methods of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. (If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test.) If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the first month after the end of your annual accounting period. A penalty of \$50 a day

Letter 948(DO/CG)

EXHIBIT 4

Rothstein Affidavit

11-11-11 10:00 AM

IN THE CITY OF WHITE PLAINS
NEW YORK

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AFFIDAVIT OF POLLY ROTHSTEIN

I, Polly Rothstein, being first duly sworn, depose and say:

- 1) Westchester Coalition for Legal Abortion (WCLA) is an incorporated non-profit organization that is exempt from tax under section 501(c)(4) of the Internal Revenue Code.
- 2) I have served as the President of WCLA since 1973. From 1973 through 1984, I served in a volunteer capacity. Since 1985 I have been paid a modest salary.
- 3) As the President, I supervise and coordinate all expenditures of WCLA.
- 4) WCLA has an annual budget of approximately \$260,000.
- 5) I am aware that as a non-profit corporation, WCLA is prohibited from making contributions or expenditures in connection with a federal election. As a general matter, WCLA does not make contributions to or independent expenditures for or against federal candidates.

The Press Conference

- 6) Until recently, I believed that so long as work I did on behalf of federal candidates was performed during my personal time, such as after work hours or during my lunch hour, my would be considered volunteer work and would not be attributed to WCLA.
- 7) On September 29, 1998, during my lunch hour at no ntime, I participated in a press conference organized by Senate candidate Chuck Schumer's campaign.
- 8) Because I did this work during my lunch hour, I did not think activity would be attributed to WCLA.
- 9) Although I do not recall the exact text of my press statement, it is likely that I noted my affiliation with WCLA and urged people to vote for Mr. Schumer. The newspaper coverage indicated that I discussed Mr. Schumer's record and his support of legislation to help curb violence at women's health clinics. See Exhibit 5. It is likely that I also discussed Mr. D'Amato's anti-choice record.

- 10) During the press conference I did not speak from a written statement.
- 11) I did not distribute any written materials at the press conference.
- 12) My total participation in the press conference, including the time it took for me to walk to and from the courthouse at which it was held, lasted approximately ½ hour.
- 13) Based on my WCLA salary, ½ hour of my staff time is valued at \$11.31.

The WCLA Newsletter (ProChoice)

- 14) As President of WCLA, I review and authorize all articles printed in the WCLA newsletter.
- 15) When I authorized the articles printed in WCLA's Autumn 1998 newsletter, I was operating under the assumption that unless an article explicitly directed readers to vote for or against a particular candidate, an explanation of a candidate's position on the right to choose would not be considered a contribution to or expenditure against that candidate. I did not believe that announcing an organization's endorsements might be considered express advocacy.
- 16) The total cost of the mailing, which included the 18-page WCLA newsletter and the 2-page WCLA-PAC voting guide, was \$31,031.27

The Phone Bank

- 17) As President of WCLA, I am responsible for making any agreements between WCLA and any other entity.
- 18) In early September 1998, WCLA agreed to conduct a phone bank expressly advocating the election of Chuck Schumer in conjunction with the calls WCLA PAC was making on behalf of two New York State candidates.
- 19) In exchange for WCLA's willingness to make the phone calls, Chuck Schumer's authorized campaign committee agreed to pay WCLA for the full cost of that portion of the phone bank attributable to express advocacy on behalf of Mr. Schumer.
- 20) The phone calls made by the phone bank included some calls expressly advocating the election of Mr. Schumer and Eliot Spitzer, a candidate for New York Attorney General, as well as some calls expressly advocating the election of Schumer, Spitzer and Naomi Manusow, a New York assembly candidate.

- 21) The total cost of the phone bank was \$31,073.
- 22) On January 26, 1999, Chuck Schumer's authorized campaign committee paid WCLA \$10,000 to cover the estimated cost of that portion of the phone bank that benefited Chuck Schumer.
- 23) I have since calculated that approximately 46% of the cost of the phonebank was attributable to phone calls made for Chuck Schumer.
- 24) I am unable to establish an exact figure because it is not possible to determine the exact number of phone calls that were made to benefit Schumer and Spitzer as compared to the exact number of calls that were made to benefit Schumer, Spitzer and Matusow.
- 25) Between two and three rounds of phone calls were made.
- 26) 16% of the first round of calls included express advocacy on behalf of all three candidates; 84% of the first round of calls included express advocacy on behalf of only Schumer and Spitzer.
- 27) Of the 16% of the households that received a first-round call advocating three candidates, approximately 66% received two additional calls.
- 28) Of the 84% of the households that received a first-round call advocating only Schumer and Spitzer, approximately 66% received a second call.
- 29) Further of the 84% of the households that received a first- and second-round call advocating only Schumer and Spitzer, some percentage received a third call.
- 30) I have been unable to determine precisely what percentage of the 84% received a third call.
- 31) Based on these estimates, I believe it is reasonable to estimate that approximately 46% of the phone bank benefited Senator Schumer.
- 32) Consequently, the costs of the phone bank attributable to Schumer were approximately \$14,293
- 33) WCLA has requested from and is actively pursuing the Schumer campaign for a payment of \$4,293 to cover the outstanding balance.
- 34) WCLA is under the understanding the Schumer campaign currently has outstanding debts to a variety of vendors from whom the campaign purchases services.

WCLA-PAC

- 35) WCLA-PAC is a political action committee that is active in New York State elections.
- 36) WCLA-PAC does not make contributions to or independent expenditures for or against federal candidates that in the aggregate exceed \$1,000 per election cycle.
- 37) In the fall of 1998, WCLA-PAC mailed a voting guide which included endorsements of six federal candidates and 15 state candidates.
- 38) The total cost of producing and mailing the voting guide, which was produced and mailed in conjunction with the WCLA Autumn 1998 newsletter, was 2/20 of \$31,031.27, or \$3103.12.
- 39) WCLA-PAC paid that amount.
- 40) WCLA-PAC accepts corporate contributions.
- 41) In 1998 WCLA-PAC received \$16,367 in individual contributions, with no individual contributing more than \$5,000.
- 42) In addition, in 1998 WCLA-PAC received \$100 in corporate contributions, and \$12,990 in contributions from other New York State political committees.

Polly Rothstein 4/16/99
Polly Rothstein

Sworn to before me this
16th day of APRIL, 1999.

John J. Groen
Notary Public

My Commission Expires: 07-09-02

John J. Groen
NOTARY PUBLIC JOHN J. GROEN
MY COMMISSION EXPIRES 07-09-2002

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4883

NAME OF COUNSEL: Nicole McLaughlin and Gail Harmon

FIRM: Harmon, Curran, Spielberg and Eisenberg, LLP

ADDRESS: 1726 M St, NW
Suite 600
Washington DC

TELEPHONE: (202) 328-3500

FAX: (202) 328-6918

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/15/99
Date

[Signature]
Signature

RESPONDENT'S NAME: ProChoice VOTER, ROBERT Wall as
treasurer.

ADDRESS:

TELEPHONE: HOME()

04/06/99

16:46

HARMON, CURRAN, SPI

NO. 010 002

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4883

NAME OF COUNSEL: Nicole McLaughlin and Gail Harmon

FIRM: Harmon, Curran, Spielberg & Eisenberg, LLP

ADDRESS: 1726 M Street, NW, Suite 600

Washington, DC 20036

TELEPHONE: (202) 328-3500

FAX: (202) 328-6418

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/6/99
Date

Polly Rothstein
Signature

RESPONDENT'S NAME: Polly Rothstein

ADDRESS: Westchester Coalition
for Legal Abortion, Inc.
237 Mamaroneck Avenue
White Plains, NY 10605

04/06/99 16:46 HARMON, CURRAN, SPI

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4883

NAME OF COUNSEL: Nicole McLaughlin and Gail Harmon

FIRM: Harmon, Curran, Spielberg and Eisenberg, LLP

ADDRESS: 1726 M St, NW
Suite 600
Washington DC

TELEPHONE: (202) 328-3500

FAX: (202) 328-6918

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4/15/99
Date

[Signature]
Signature

RESPONDENT'S NAME: ProChoice VOTER, ROBERT Wall as treasurer.

ADDRESS:

TELEPHONE.. HOME()