

**SUMMARY FILE CHECK-OFF**

MUR # 1828

7/23/86 Date of Close-out Letters (Mail...)

**CONTENT CHECK-OFF**

- ☒ Close-Out Letter(s)
- ☒ Final OGC Report or Memorandum or Conciliation Agreement(s)
- ☒ Respondent(s) Reply to Brief(s)
- ☒ General Counsel's Brief(s)
- ☒ Respondent's Reply to RTB Finding
- ☒ First General Counsel's Report
- ☒ Respondent's Reply to the Complaint
- ☒ Original Complaint(s) (If Any)
- ☒ Other Report or Correspondence\*
- ☒ All Certifications\*\*

R. Rich Preparer of the Summary File

Date 8/15/86

File Reviewed by [Signature] 8/14/86

\* To be included if, in the opinion of the staff member, it is important.

\*\* Certifications of Commission actions should be placed in the Summary File prior to the documents which formed the basis of the action and in reverse chronological order.

(Revised 7/5/83)

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1826

Date Filmed 8/27/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 23, 1986

Gail Harmon, Esquire  
Harmon, Weiss & Jordan  
2001 S Street, N.W.  
Suite 430  
Washington, D.C. 20009

RE: MUR 1826

Dear Ms. Harmon:

This is in reference to the complaint you filed with the Commission on October 19, 1984 concerning Pro-Life Action League, Inc.

After conducting an investigation in this matter, the Commission determined there is probable cause to believe that Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended. On July 16, 1986, a conciliation agreement signed by the respondents was accepted by the Commission, thereby concluding the matter. A copy of the agreement is enclosed for your information.

The file number in this matter is MUR 1826. If you have any questions, please contact Robert Raich, the attorney assigned to this matter, at 202/376-8200.

Sincerely,

Charles N. Steele  
General Counsel

By: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

86040611320



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 23, 1986

Edward R. Grant, Esquire  
343 S. Dearborn Street  
Suite 1804  
Chicago, Illinois 60604

RE: MUR 1826

Dear Mr. Grant:

On July 16, 1986, the Commission accepted the conciliation agreement signed by you 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: Lawrence M. Noble  
Deputy General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Pro-Life Action League, Inc. ) MUR 1826  
and Joseph M. Scheidler, )  
as Executive Director )

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Gail M. Harmon, counsel for the National Abortion Rights Action League. The Commission found probable cause to believe that Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, ("Respondents") violated 2 U.S.C. § 441b.

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

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. The Pro-Life Action League, Inc. ("League") is an Illinois not-for-profit corporation without capital stock.

2. A corporation may not make contributions or expenditures in connection with a federal election. 2 U.S.C. § 441b. Although the regulations permit a corporation to make partisan communications in connection with a federal election to

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a carefully defined class of members, no corporation may make expenditures for partisan communications to the general public. 11 C.F.R. § 114.3(a).

3. The League's funds were used to distribute a letter advocating Walter Mondale and Geraldine Ferraro's defeat. The letter also outlined methods for demonstrating against Mr. Mondale and Mrs. Ferraro during the Democratic candidates' campaign stops. Those methods involved an organized group of demonstrators spelling out slogans in a synchronized verbal and visual display.

4. Respondents distributed the letter to people who did not qualify as League members.

5. Respondents used corporate funds to communicate the League's views on Mr. Mondale and Ms. Ferraro during several of the democratic candidates' public appearances. People who were not League members received those communications.

V. Respondents used corporate funds in connection with the 1984 general election, in violation of 2 U.S.C. § 441b.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Two Hundred Seventy-Five Dollars (\$275), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. 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

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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.

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

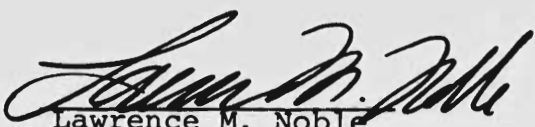
IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:


Charles N. Steele  
General Counsel

BY:

  
Lawrence M. Noble  
Deputy General Counsel

  
Date

FOR THE RESPONDENTS:

  
Edward R. Grant  
343 S. Dearborn St. # 1804  
Chicago, Ill. 60604  
Attorney for Respondents

  
Date

86040511324

THE FEDERAL ELECTION COMMISSION

In re: [REDACTED]

Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

)  
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)  
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)  
MUR 1826

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 16, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1826:

1. Accept the conciliation agreement, as recommended in the General Counsel's Report signed July 14, 1986.
2. Close the file.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

7-16-86

Da

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

Received in Office of Commission Secretary:	Mon.,	7-14-86,	11:59
Circulated on 48 hour tally basis:	Mon.,	7-14-86,	4:00
Deadline for vote:	Wed.,	7-16-86,	4:00

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE REC  
COMMUNICATIONS SECTION

In the Matter of

Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

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NUR 1826

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GENERAL COUNSEL'S REPORT

**SENSITIVE**

Background

Attached is a conciliation agreement which has been signed by Edward R. Grant, the attorney for Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director.

The attached agreement contains no changes from the agreement approved by the Commission.

Recommendation

The Office of General Counsel recommends the acceptance of this agreement and the closing of the file.

Charles N. Steele  
General Counsel

Date

7/14/86

BY:

Lawrence M. Noble  
Deputy General Counsel

Attachment  
Conciliation Agreement

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Raich  
FEC  
AMERICANS  
UNITED FOR LIFE  
Legal Defense Fund

1 July 1986

Robert Raich, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

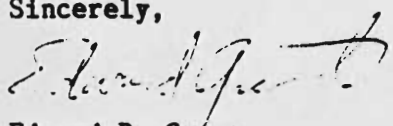
Dear Mr. Raich:

Joseph M. Scheidler and the Pro-Life Action League, respondents in this matter, have agreed to enter into a conciliation agreement in order to bring this matter to a close..

The original and one copy of the proposed agreement are enclosed. I have signed this document on behalf of the respondents.

I look forward to hearing from you upon the Commission's approval of this agreement.

Sincerely,



Edward R. Grant  
Attorney for Respondents

OFFICERS

- Chairman**  
Dennis J. Horan, Esq.
- Vice Chairman**  
Erma Clardy Craven  
Prof. Victor G. Rosenblum
- Secretary - Treasurer**  
Joseph R. Stanton, M.D.
- Executive Director - General Counsel**  
Edward R. Grant, Esq.
- Board of Directors:**  
John E. Archibald, Esq.  
Denver, Colorado
- Lynn R. Buzzard  
Executive Director  
Christian Legal Society
- Rev. Charles Carr  
Episcopal Diocese of Colorado
- Erma Clardy Craven  
Minneapolis, Minnesota
- Prof. Eugene F. Diamond, M.D.  
Pediatrics  
Loyola University, Chicago
- Prof. Arthur J. Duck  
Population Ethics  
Harvard University
- John F. Hillabrand, M.D.  
Toledo, Ohio
- Dennis J. Horan, Esq.  
Chicago, Illinois
- Henry J. Hyde, Esq.  
Member of Congress
- Mildred F. Jefferson, M.D.  
Boston, Massachusetts
- Lore Maier  
Toledo, Ohio
- Kenneth M. Mitzner, Ph.D.  
Los Angeles, California
- Prof. John T. Noonan, Jr.  
Law  
University of California
- Dr. Jacob A. O. Preus,  
Former President  
The Lutheran Church  
Missouri Synod
- Prof. Paul Ramsey  
Department of Religion  
Princeton University
- Herbert Ratner, M.D.  
Child & Family Quarterly  
Oak Park, Illinois
- Prof. Victor G. Rosenblum  
Law - Political Science  
Northwestern University
- Christopher H. Smith  
Member of Congress
- Joseph R. Stanton, M.D.  
Boston, Massachusetts
- Patrick A. Trueman, Esq.  
Buffalo, Minnesota
- Prof. Lynn D. Wardle  
Law  
Brigham Young University
- Prof. George H. Williams  
Divinity - Church History  
Harvard University
- Jasper F. Williams, Sr., M.D.  
Obstetrics - Gynecology

At. p. 1

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1 July 1986

Robert Raich, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

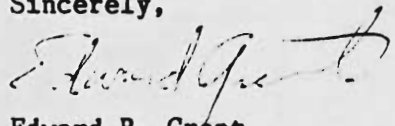
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The original and one copy of the proposed agreement are enclosed. I have signed this document on behalf of the respondents.

I look forward to hearing from you upon the Commission's approval of this agreement.

Sincerely,

  
Edward R. Grant  
Attorney for Respondents

OFFICERS

**Chairman**

Dennis J. Horan, Esq.

**Vice Chairman**

Erma Clardy Craven  
Prof. Victor G. Rosenblum

**Secretary - Treasurer**

Joseph R. Stanton, M.D.

**Executive Director - General Counsel**

Edward R. Grant, Esq.

**Board of Directors**

John E. Archibald, Esq.  
Denver, Colorado

Lynn R. Buzzard  
Executive Director  
Christian Legal Society

Rev. Charles Carron  
Episcopal Diocese of Colorado

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Toledo, Ohio

Kenneth M. Mitzner, Ph.D.  
Los Angeles, California

Prof. John T. Noonan, Jr.  
Law  
University of California

Dr. Jacob A. O. Preus,  
Former President  
The Lutheran Church  
Missouri Synod

Prof. Paul Ramsey  
Department of Religion  
Princeton University

Herbert Ratner, M.D.  
Child & Family Quarterly  
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Divinity - Church History  
Harvard University

Jasper F. Williams, Sr., M.D.  
Obstetrics - Gynecology

343 S. Dearborn Street  
Suite 1804  
Chicago, IL 60604  
312. 786-9494

AMERICANS  
UNITED FOR LIFE  
Legal Defense Fund

3004785  
Raich  
E-EC





**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

May 22, 1986

Mr. Edward R. Grant  
343 South Dearborn Street  
Suite 1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc. and  
Joseph M. Scheidler, as Executive  
Director

Dear Mr. Grant:

On May 13, 1986, the Commission determined that there is probable cause to believe Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, committed a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended, by making corporate expenditures in connection with the 1984 presidential election.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

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Letter to Edward R. Grant  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Charles E. Steele  
General Counsel

Enclosure  
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Pro-Life Action League, Inc. )  
and Joseph M. Scheidler, )  
as Executive Director )

MUR 1826

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 13, 1986, do hereby certify that the Commission took the following actions in MUR 1826:

1. Failed by a vote of 2-3 to delay action on the Office of General Counsel's recommendations until after the Supreme Court's decision in FEC vs. MCFL.

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

2. Decided by a vote of 4-2 to

3. Decided by a vote of 5-1 to:

- a) Find probable cause to believe that Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.
- b) Enter into conciliation with the respondents.
- c) Approve the conciliation agreement attached to the General Counsel's report dated May 5, 1986, as amended by
- d) Approve and send the letter attached to the General Counsel's report dated May 5, 1986.

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

5-15-86  
Date

Attest:

Mary W. Dove  
Mary W. Dove  
Administrative Assistant

85040511331

BEFORE THE FEDERAL ELECTION COMMITTEE

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAY 5 1986

In the Matter of  
Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

MUR 1926 MAY 5 P3:23

**SENSITIVE**  
EXECUTIVE SESSION

GENERAL COUNSEL'S REPORT

MAY 13 1986

I. BACKGROUND

On October 18, 1984 the National Abortion Rights Action League filed a complaint against the Pro-Life Action League, Inc. (the "corporation") and Joseph Scheidler, its Executive Director. The complaint alleged that the respondents violated 2 U.S.C. § 441b by making corporate expenditures in connection with a federal election and 26 U.S.C. § 9012(f)(1) by incurring expenditures in excess of \$1,000 in connection with a presidential election. On January 31, 1985 the Commission found reason to believe the respondents violated 2 U.S.C. § 441b. After conducting an investigation, the General Counsel's Office sent a brief to the respondents recommending and finding of probable cause to believe. The respondents have filed a brief in response.

II. LEGAL ANALYSIS OF RESPONDENTS' BRIEF

The respondents' brief appears to argue three contentions:

- 1) The corporation's involvement in connection with federal elections is not as extensive as that described in the General Counsel's Brief, 2) Although the corporation did make expenditures in connection with a federal election, it is unconstitutional for the Commission to apply 2 U.S.C. § 441b

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against the respondents, and 3) The Commission should take no action in this matter until after the Supreme Court rules in Federal Election Commission v. Massachusetts Citizens for Life, Inc. ("MCFL"), 769 F.2d 13 (1st Cir. 1985), juris. noted (U.S. Jan. 13, 1986) (No. 85-701). As discussed below, these contentions are without merit.

1. The Extent of the Corporation's Involvement in Federal Elections

The respondents state "there is nothing in the record to substantiate" the assertion that the corporation protested against George Bush in 1980. However, in a letter written on corporation letterhead and signed by Scheidler as "Executive Director," he said, in response to the complaint in this MUR, "[W]e did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980." (Attachment 1, p.2). With their brief, the respondents now appear to be trying to retract that statement. They submit an unsworn statement from Scheidler in which he says he was not acting on behalf of the corporation when he expressed his views on George Bush. He simply asserts that the corporation was not incorporated at the time of the potential violation, but he fails to give the actual dates of the protests against George Bush. This Office notes that there was ample opportunity for the corporation to picket against George Bush between April 17, 1980 (the date of incorporation) and July 17, 1980 (the date George Bush was nominated as a vice presidential candidate). This Office also notes that the corporation may have protested against Bush without the presence of Scheidler, a possibility not denied

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in the respondents' brief or any other statement by the respondents.

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The respondents' brief seems to dispute the fact that the corporation made anti-Mondale/Ferraro communications at public rallies and speeches. This Office notes that the respondents admit the corporation spent \$75.00 to create signs for those rallies. The respondents also admit that the corporation spent \$238.00 to send Scheidler to New York and that Scheidler "participated" in a protest rally against Mrs. Ferraro in New York. Furthermore, an article included with the complaint (Attachment 2) states that Scheidler went to New York "to organize" that demonstration. The corporation admits that the purpose of the \$238.00 it paid for Scheidler's trip was "to keep the abortion issue alive during this campaign." (Attachment 1, p.1). With a letter dated July 27, 1984 the corporation sent a Directive entitled "HOW TO COORDINATE POLITICAL PICKETS OF MONDALE-FERRARO." (Attachment 3) The first two paragraphs of the letter clearly indicate that the corporation staged demonstrations to influence the presidential elections. The letter states that at the corporation's convention, they agreed "we would demonstrate against the pro-abortion Democratic candidates for the top offices wherever they appeared, and that we would coordinate our demonstrations." Most importantly, nowhere do the respondents actually deny that the corporation engaged in communications at public rallies in connection with federal candidates.



Even considering the inferences respondents raise in their defense, the evidence amply indicates that the corporation did, in fact, make expenditures in connection with a federal election.

2. Application of 2 U.S.C. § 441b

Section 441b of the Act prohibits corporate contributions and expenditures in connection with federal elections. Pursuant to the limited exception in 11 C.F.R. § 114.3, however, incorporated membership organizations and corporations without capital stock can make partisan communications to their members. Respondents agree it is a "solid conclusion" that by sending the Directive, the corporation made expenditures to communicate a message encouraging protest against presidential and vice-presidential candidates. The respondents do not contend, nor do the facts support a conclusion, that the communications were limited to the corporation's members. In fact, because many of the communications were made to large groups at public rallies, it is clear the corporation went outside its membership with such communications. Furthermore, respondents admit that the corporation's supporters, with whom it communicated, do not qualify as "members" as defined by the Supreme Court in FEC v. National Right to Work Committee ("NRWC"), 459 U.S. 197 (1982).<sup>1/</sup> Consequently, this Office

<sup>1/</sup> The respondents acknowledge that the corporation could establish a separate segregated fund and create a category of membership that meets the requirements outlined in NRWC. However, the respondents argue that such a course of action would require the corporation to alter its form of organization to one other than that which it feels best allows it to carry out its mission.



recommends that the Commission find probable cause to believe the corporation and its executive director violated 2 U.S.C. § 441b.

Respondents argue that the Commission should not further pursue this violation, however, because 2 U.S.C. § 441b is unconstitutional as applied to them. They cite FEC v. MCFL, 769 F.2d 13, in support of their contention. As more fully explained in the General Counsel's Brief, the Commission has appealed MCFL to the Supreme Court. MCFL presently is the law only in the First Circuit. Because respondents are not in that circuit, MCFL is not controlling with regard to them. Consequently, MCFL does not prevent the Commission from pursuing a section 441b violation against the respondents.

3. The Commission Should Not Delay Further Action in this Matter

As an alternative, the respondents advocate a delay of all further action in this MUR until after the Supreme Court has ruled in MCFL and the General Counsel's Office and the respondents have both had an opportunity to submit legal briefs on the impact of that case.

Because the Commission frequently considers issues pending before the courts, it cannot delay taking any action on matters before it simply because a pending court case might somehow affect their outcome. Such a decision would unjustifiably delay the enforcement process and allow respondents to hamper the Commission simply by filing suit in any matter before it. Consequently, the Commission should not await the outcome of the MCFL litigation, but should proceed with this matter.

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This Office recommends that the Commission find probable cause to believe Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

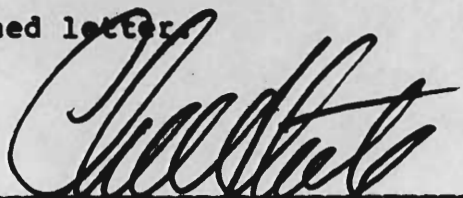
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IV. RECOMMENDATIONS

1. Find probable cause to believe that Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.
2. Enter into conciliation with the respondents
3. Approve the attached conciliation agreement.
4. Approve and send the attached letter.

5 May 1984  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General

Attachments

1. Letter from the respondents to the Commission dated November 1, 1984.
2. Washington Post article dated October 4, 1984
3. Letter from the respondents, dated July 27, 1984, with Directive attached
4. Proposed conciliation agreement
5. Letter to the respondents

# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60648 Office (312) 777-2900 Newswire (312) 777-2525

November 1, 1984

Charles N. Steele  
General Counsel  
Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Attn: Matthew Gerson  
Subj: MUR 1826

NOV 5 11:28

Dear Mr. Gerson,

Thank you for your letter of October 25 notifying me that on October 19 the Commission received a complaint from the National Abortion Rights Action League alleging that the Pro-Life Action League violated sections of the Federal Election Campaign Act of 1971.

I would like to demonstrate that no action should be taken against the Pro-Life Action League in connection with this matter and hope this complaint will be dismissed for lack of merit.

I am going to be represented by counsel in this matter and have so advised the Commission by sending the letter of presentation. My counsel will want to receive all communications from the Commission.

Regarding the facts as presented by NARAL, I submit that the Pro-Life Action League has not published a book entitled, CLOSED: 99 Ways to Shut Down the Abortion Industry. This book is in the process of being written, and will be published sometime in early 1985. Nobody but the publisher has seen copy, and there is nothing in it that encourages "often virulent demonstrations." Nor has it been "associated with bombings and other acts of violence against medical clinics which provide abortion services." There is a chapter on "Violence. Why It Won't Work." The "facts" as put forth by NARAL in this paragraph are fiction.

The suggestion that our pickets of Geraldine Ferraro because of her pro-abortion stand has cost a great deal of money is also untrue. The total amount spent on our efforts to keep the abortion issue alive during this campaign has been as follows:

Flier on how to picket.....	\$ 31.20
Letter to accompany flier.....	17.00
Envelopes.....	10.00
Postage to send flier.....	50.00
Ferraro Position Paper.....	41.00
Ferraro flier (Donhaue Show).....	23.05
Trip to New York (7/30/84).....	238.00
Long Distance calls.....	64.00

\$474.25 TOTAL EXPENSES

Att. 1, p. 1

9331154068

Once the flier and its accompanying letter explaining the program to be followed was sent, only a few calls had to be made to promote the undertaking. For the most part people called our office to report their plans. Signs were most often made with existing materials by volunteers at various Ferraro appearances.

NARAL interprets a statement in my letter of July 27, 1984, that the candidates will see a carefully coordinated plan "to defeat them," to allude to their political defeat. It never occurred to us that there was any question about the political defeat of the Mondale-Ferraro ticket. The defeat I am addressing is Mondale's plan to win the Catholic vote by selecting a "Catholic" like Ferraro and the defeat of Ferraro's attempt to sell herself as "pro-life" merely by saying she is personally opposed to abortion.

The purpose of the Mondale-Ferraro demonstrations was to make abortion a major campaign issue by challenging the candidates' positions. If bringing up the abortion issue at gatherings was enough to "defeat" the candidates, that would contradict the abortionists theory that the majority of Americans favor abortion. Pointing out the Mondale-Ferraro pro-abortion stand would only help them, not "defeat" them.

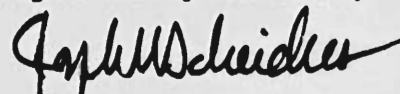
NARAL suggests that we should picket Vice-President George Bush and President Reagan, since they supported abortion in the past. As a matter of fact, we did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980 because of his stand on abortion that allowed for exceptions, though he never supported federal funding of abortion.

We also picketed President Reagan when he nominated in July 1981, Sandra Day O'Connor to the U. S. Supreme Court. Mrs. O'Connor had a pro-abortion voting record dating from her time in the Arizona legislature and we feared President Reagan had not considered this in making his selection. We were subsequently satisfied that this was a wise selection.

We have been fully satisfied with President Reagan's pro-life stand, and are impressed with Vice-President Bush's new stand on the abortion issue, which, while not fully satisfactory, is much closer to the President's than it was formerly. By his own admission in the Vice-Presidential debates he is comfortable with the President's stand on abortion.

These are my comments on the facts as presented by NARAL's attorneys. I will allow my attorney to address the legal issue.

Respectfully in Life,



Joseph M. Scheidler  
Executive Director

JMS:bam

Att. 1, p. 2



# Activist Advised Anti-Abortion Groups

By Bill Peterson

Washington Post Staff Writer

A few days after the Democratic National Convention, a right-to-life activist from Chicago mailed a "directive" to hundreds of anti-abortion groups around the country spelling out in great detail how to mount demonstrations against Walter F. Mondale and his running mate, Geraldine A. Ferraro, at every campaign stop this fall.

The directive, from Joseph M. Scheidler, instructed groups how to make protest signs, form picket lines, shout chants and even infiltrate Mondale and Ferraro rallies as part of a "carefully coordinated plan" to send a "chilling message" to the two Democrats.

It is not clear how much impact the directive had in stirring up anti-abortion protests against Mondale and Ferraro, but at least one local activist said the memo sparked a demonstration in Houston.

The object of the plan was to attract attention from reporters following the candidates, wrote Scheidler, director of the Chicago-based Pro-Life Action League. "They will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the 'conspiratorial nature' of the opposition's demonstrations," he said.

## 'Directive' Gave Tips On Heckling Mondale

Scheidler, who coordinated similar demonstrations against Sen. Edward M. Kennedy (D-Mass.) and independent candidate John B. Anderson during the 1980 presidential campaign, said in an interview that the plan has worked beyond his greatest expectations.

He said he has been in contact with right-to-life groups in almost every city visited by Mondale and Ferraro since late July, disputing statements by Dr. John C. Willke, president of the National Right to Life Committee, that demonstrations all have been "locally inspired."

"It was coordinated from the start," Scheidler said. "This is the activists branch of the movement, and we don't have much to do with the National Right to Life Committee. My theory is no social movement goes anywhere without going to the streets . . . I'm from the old school. I believe any publicity is better than no publicity."

"We want the issue of abortion to be kept alive right up until the election," he added.

Scheidler said his group, which is best known for attempting to shut down abortion clinics, began planning protests against Mon-

dale at its national convention last May in Fort Lauderdale. He sent out his directive July 27 and went to Forest Hills, N.Y., to organize a demonstration at the first joint Mondale-Ferraro appearance July 31.

Scheidler, author of a book called "Closed: 99 Ways to Shutdown the Abortion Industry," said he telephoned allies in Alabama, Ohio and Texas urging them to greet the Democratic ticket on their first campaign swing through those states.

Diane Rinn of Life Advocates, a Houston-based group, was one anti-abortion activist contacted. "It sounded like such a good idea that we did it," she said. "We had more than 100 people out when they arrived at the airport."

She said her group used several ideas proposed in Scheidler's directive for signs and chants. "It was very helpful."

The directive suggested that "Ferraro & Fritz Back Abortion" signs be printed on white post board with water-repellent, quick-drying paint. It said signs should be made small enough so they could be smuggled into indoor rallies without detection.

Scheidler said his group made one attempt to coordinate activities with the Republican Party when Ferraro made a trip to Chicago. "We called the local Republican office to see if they had any young Turks to help us out, but they didn't," he said.

# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

Sharon Mills 36415 Plymouth  
313-464-3169 Glenview, IL  
N815U

July 27, 1984

Dear Activist Pro-Lifer,

A meeting of pro-life activists agreed both at our own national convention in Ft. Lauderdale in May, and at the National Right to Life convention in Kansas City in June, that we would demonstrate against the pro-abortion Democratic candidates for the top offices wherever they appeared, and that we would coordinate our demonstrations in such a way that the candidates and the press would see that the effort is unified.

Enclosed is a directive that may help with this program. We have used this method on a number of occasions in Chicago, Indianapolis and elsewhere, and have found it to be very effective. It gets good crowd response and media attention, but is especially effective in sending a chilling message to the candidates that there is a carefully coordinated plan to defeat them.

Another advantage to this coordinated effort is that it catches the imagination of the traveling media, the reporters who follow the campaign trail with the candidates. They will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the "conspiratorial nature" of the opposition's demonstrations.

We would appreciate hearing from you regarding this suggested program. If you plan to use it, or parts of it, please let us know how it works in your area. Let us know any weaknesses you might have found but also the reaction you get from the people who take part, the people in the crowd, the media coverage you get and any other comments you want to pass on.

We are alerting our religious leaders in Chicago that we will not only picket all Ferraro-Fritz appearances but that use of Church facilities will bring infiltration and disruption of any talks given by either of this pair. You might consider doing the same.

Respectfully in Life,

*Joe Scheidler*

Joseph M. Scheidler  
Executive Director

Enclosure ( 1 )

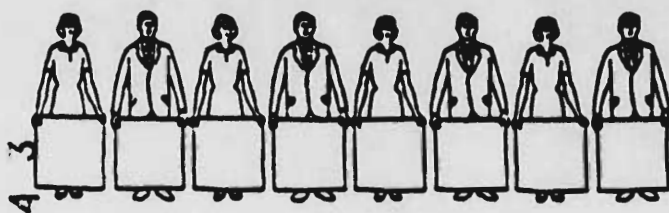
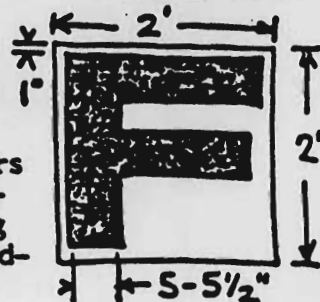
Att. 3, p.1



# HOW TO ORGANIZE POLITICAL PICKETS OF MONDALE-FERRARO

## FOR OUTSIDE APPEARANCES

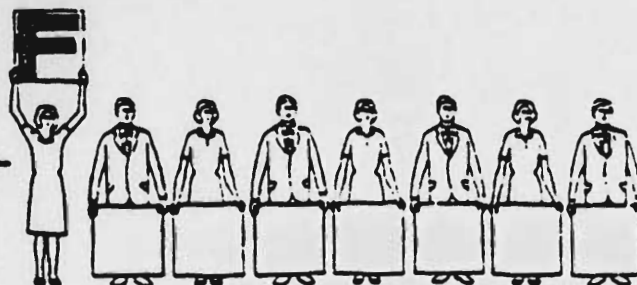
- 1** Purchase sheets of 3/16" Foamcore or white poster board from your local art supply store. Also, buy water-repellent, quick-drying black paint and a 1/2" or 1" brush. The message you want to spell out is: FERRARO & FRITZ BACK ABORTION. ("Ferraro" is intentionally named first.) Cut the boards into 25 smaller panels, each measuring approximately 2' by 2'. Cut one of these panels in half and paint an "I" on each one (for the "I's" in "FRITZ" and "ABORTION.") If either of the candidates appears separately in your area, you will have to say he or she "BACKS" abortion, so paint an "S" on another panel. Then paint all the remaining letters, one per panel. Letters should be as large as possible, extending almost to the edge of the board, 5" to 5 1/2" wide, as illustrated.



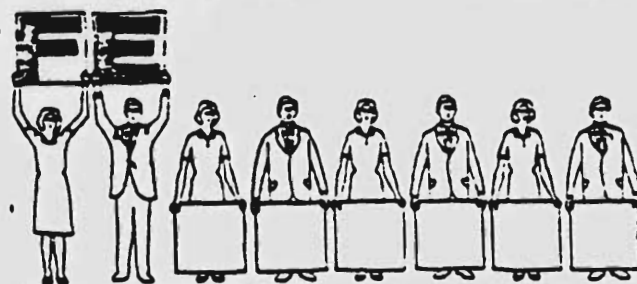
Before chant begins, boards are kept down at foot level, letters facing legs, as shown. Top and bottom should be marked on back side of each board. Be sure to leave a space of one arm length between words. A blank panel is not necessary.

**2**

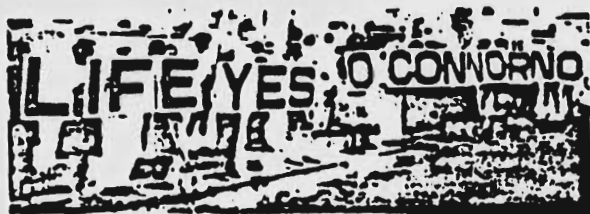
- 3** When candidates approach, the leader calls out on a megaphone, "Give me an F!" and the first person in line raises his or her letter high overhead and keeps it there until the entire message is spelled out. The letter-holders and all members of the group repeat each letter as soon as it is called out, yelling "F!" "E!" "R!" etc.



- 4** The leader continues immediately, "Give me an E!" and the second person raises the "E" up next to the "F". The chant is repeated quickly as the leader calls for the rest of the letters, "R", "R"... "A"... "R"... until the entire message is spelled out. The letter on the front of the board should be indicated in small type on the back to avoid mistakes.



- 5** After the "N" has been displayed, the leader asks, "What do we say?", to which all respond loudly, "Ferraro and Fritz back abortion!" The leader then begins the chant, "Life yes, abortion no!... Life yes, Ferraro no!... Life yes, abortion no!... Life yes, Fritz no!..."



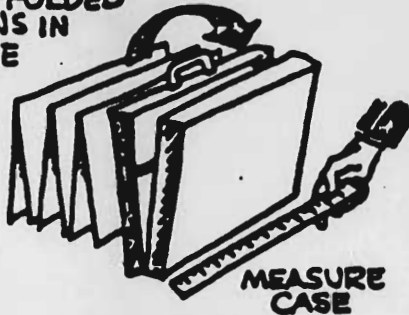
This photo shows how it's done, but there's no space between "NO" and "O'CONNOR" and too much space between the "L" and "I" in "LIFE." Also, letters are not held above the head for maximum-visibility and impact. Watch such details and your demonstration will be effective.

The campaign to direct attention to Ferraro and Mondale's abortion issue must be brought inside the halls, auditoria, churches and conference rooms as well. Signs large enough to be effective and grab media attention can be carried into such areas and displayed at the appropriate time. The trick is to fold them in half and conceal them in your briefcase or handbag, or under your coat or jacket.

A typical attache case is anywhere from 14" X 9 1/2" to 17" X 11." If you double those measurements, you have a sign 14" X 19" or 17" X 22" and that's big enough to do the job and get the message across. Several signs can be inserted in a case or bag, to be distributed to other pro-lifers inside, so not everyone need carry a case or bag.

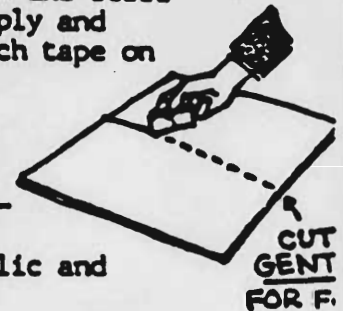
To make your folding sign, simply measure your briefcase or handbag to see how large a sign can be put into it. Then double the smaller measurement and cut a sheet of poster board that size. After your message ("FERRARO & FRITZ BACK ABORTION" or some other appropriate statement) has been painted on it as large and bold as possible, turn the board over and cut gently down the middle where you want the fold to be. Be sure to cut only as deep as necessary to enable the board to be folded and still retain its strength. (If you cut too deeply and fear the board may tear, affix clear Scotch tape on the front side over the cut.)

PUT FOLDED  
SIGNS IN  
CASE



If many pro-lifers infiltrate appearances by these pro-abortion candidates and display these signs all at once, while shouting, "Abortion!" whenever they refer to

life-related issues, the effect on the speakers as well as the public and media can be great.



It's just as important to bark out, "Abortion!", every time Ferraro or Mondale touch on a life issue as it is to display the signs. Newspaper and TV cameras can ignore the signs, but radio and TV microphones pick up these cries and comments. They cannot be deleted easily without also deleting what the candidates are saying. If these tactics are used consistently across the country by pro-lifers, our message will get the coverage it deserves.

The purpose of this systematic approach to picketing the Democratic national platform is threefold: First, it will become clear to the candidates that there is an organized program of protest when they see the same pattern wherever they go. This will send them a message that pro-life activists are well organized against their platform. These visuals will telegraph to them that there is effective planning behind the scenes. Second, the traveling press follow the candidates wherever they go and will see the pattern in these demonstrations and will eventually question Ferraro and Mondale on their reaction to this "conspiracy." Third, this overt action will keep the abortion issue alive throughout the campaign. When interviewed by the press, we can detail both candidates' abortion stand. Have a statement printed and ready for the press containing their pro-abortion statements. For more information, call THE PRO-LIFE ACTION LEAGUE at (312) 777-2900.



Joseph M. Scheidler, Executive Director.

A.H. 3, p. 3



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Mr. Edward R. Grant  
343 South Dearborn Street  
Suite 1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc. and  
Joseph M. Scheidler, as Executive  
Director

Dear Mr. Grant:

On , 1986, the Commission determined that there is probable cause to believe Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, committed a violation of 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended, by making corporate expenditures in connection with the 1984 presidential election.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

Att. 5, p.1

Letter to Edward R. Grant  
Page 2

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Robert Raich, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure  
Conciliation Agreement

86040511346

Att. 5, p. 2



March 3, 1986

Mr. Charles N. Steele  
General Counsel  
Federal Election Commission  
999 E Stret, N.W.  
Washington, D.C. 20463

Attention: Robert Raich, Esq.

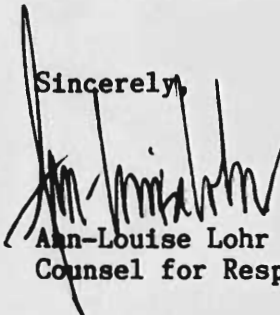
Re: MUR 1826  
Pro-Life Action League, Inc.,  
and Joseph M. Scheidler, as  
Executive Director

Dear Mr. Steele:

Enclosed please find thirteen copies of the brief of Pro-Life Action League, Inc., and Joseph M. Scheidler, which we are hereby filing with the Office of the General Counsel in the above-referenced action. As per the enclosed letter dated February 6, 1986, the deadline for filing this brief was extended to March 3, 1986. This document was delivered to Federal Express on that date to guarantee delivery on March 4.

Thank you for your cooperation in this matter.

Sincerely,

  
Ann-Louise Lohr  
Counsel for Respondent

w/encl.

343 S. Dearborn Street  
Suite 1804  
Chicago, IL 60604  
312. 786-9494

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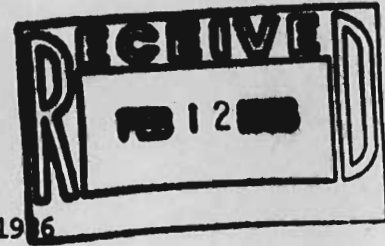
Prof. George H. Williams  
Divinity - Church History  
Harvard University

Jasper F. Williams, Sr., M.D.  
Obstetrics - Gynecology

86040511347



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463



February 6, 1986

Mr. Edward R. Grant  
343 S. Dearborn Street, Suite 1804  
Chicago, Illinois 60604

Re: MJR 1826  
Pro-Life Action League, Inc.,  
and Joseph M. Schindler, as  
Executive Director

Dear Mr. Grant:

This is in reference to your letter dated January 31, 1986, requesting an extension until March 3, 1986 to respond to the General Counsel's Brief. After considering the circumstances presented in your letter, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on March 3, 1986.

If you have any questions, please contact Robert Raich, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

*Kenneth A. Gross (297)*

By: Kenneth A. Gross  
Associate General Counsel

RR:ha

86040511348

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Pro-Life Action League, Inc., ) MUR 1826  
and Joseph M. Scheidler, )  
as Executive Director )

BRIEF OF RESPONDENTS, PRO-LIFE ACTION LEAGUE  
AND JOSEPH M. SCHEIDLER

I. STATEMENT OF THE CASE

86040311349  
By letter dated October 18, 1984, attorneys for the National Abortion Rights Action League ("NARAL") filed a complaint with the Commission against the respondent, Pro-Life Action League ("League"), and its executive director, Joseph M. Scheidler. In this complaint, NARAL alleged that the League had violated Sec. 441b of the Federal Election Campaign Act, 2 U.S.C. Sec. 441b (prohibiting expenditure of corporate funds in connection with "any election" for federal office) and 26 U.S.C. Sec. 9012 (f)(1) (prohibiting independent expenditures in excess of \$1000 in presidential elections by political committees). NARAL alleged, inter alia, that the League had incurred substantial expenses, including "huge long distance charges," in connection with demonstrations against the Vice-Presidential nominee of the Democratic party, Geraldine Ferraro. 1/

1. The NARAL letter of complaint also alleged scandalous and impertinent matter that linked the League and Mr. Scheidler to violent attacks against abortion clinics.



Despite the accurate information that was provided to the Commission by the League, the Commission, on January 31, 1986, found reason to believe that the League and Mr. Scheidler had violated Sec. 441b. Presently before the Commission is the recommendation of the General Counsel that the Commission find probable cause to believe that a violation of Sec. 441b has occurred.

## II. ARGUMENT

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The questions before the Commission are three. The first is whether the actual (as opposed to alleged) activity of the League and Mr. Scheidler in connection with the vice-presidential campaign of Mrs. Ferraro violated Sec. 441b. The second question is whether Sec. 441b can be constitutionally applied against a non-profit, ideological corporation such as the League which, as a practical matter, cannot avail itself of the option of creating a separate, segregated fund to exercise its rights to communicate in connection with a federal election. The third question is whether this matter should go forward in light of the pendency before the U.S. Supreme Court of FEC v. Mass. Citizens for Life, No. 85-701 (Juris. Noted, Jan. 13, 1986), a case which presents factual and legal issues virtually identical to this matter, and the resolution of which is likely to be dispositive to this matter.

A. Activity of the League in Connection With Elections to Federal Office

1. 1980 Campaign--George Bush

The opening brief of the General Counsel alleges that the League protested against George Bush during the 1980 Republican presidential primary. (Brief at 1,6.) The brief clearly implies that corporate funds of the League were used in this protest effort.

There is nothing in the record to substantiate this assertion. In a letter dated November 1, 1984, Mr. Scheidler states that "we did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980 because of his stand on abortion. . . ." (A copy of this letter is attached as Exhibit 1.) However, Mr. Scheidler's contention must be understood in its context. He was responding to the allegations in the original NARAL complaint letter that it was somehow "unfair" for him to picket Mrs. Ferraro when, NARAL alleges, the position of Mr. Bush on abortion is also at odds with that of the League. Mr. Scheidler's response reflects his own personal involvement in 1980 protests against George Bush. There is no evidence that corporate funds of the League were used to support these protests. Indeed, this would be practically impossible: The League was incorporated on April 17, 1980, and its first fiscal year commenced on May 1, 1980. As explained in the accompanying affidavit of Mr. Scheidler, no corporate funds of the League were available to support the

protests against Mr. Bush, and thus, there is no factual basis whatever for the charge that corporate funds were used in connection with the 1980 presidential election. (A copy of Mr. Scheidler's affidavit is attached as Exhibit 2.)

2. 1984 Campaign--Geraldine Ferraro

1. The Essential Element for a Violation of Sec. 441(b) Is an Expenditure of Corporate Funds, and Therefore, a Finding of Probable Cause May Not Be Premised on Ill-Founded Allegations of Politically-Oriented Activity Without a Specific Finding That Such Activity Involved the Expenditure of Corporate Funds.

The evidence in this case establishes the following. Mr. Scheidler prepared a letter, dated July 26, 1984, which was sent to approximately 300 persons or groups who are members or affiliates of the League.<sup>2/</sup> The cost of preparing this letter and its enclosures, including postage, was \$108.20. The League also spent \$64.05 on fliers describing the pro-abortion record of Mrs. Ferraro, and

2. Each of the parties to which the July 26, 1984 letter was sent is an individual or organization which is well-known to the League and has been allied with the League in promoting the protection of unborn children from abortion. In no sense was the directive communicated to the "general public." The General Counsel argues that members of the League do not meet the criteria for "membership" which would exempt the directive from the prohibitions of Sec. 441(b). See, 2 U.S.C. Sec. 441b(b)(2)(A), Brief of General Counsel at 2-5. However, to compel the League, as a prior condition to permitting it to communicate with its members on a matter pertaining to a federal election, to constitute its membership in a particular fashion, and to confer upon its membership particular rights and obligations, is an unwarranted and unconstitutional infringement upon the First Amendment rights of the corporation, and the right of the corporation to constitute itself in a manner that is most conducive to carrying out its stated purposes. See this brief at 15-18, infra.

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protesting that position, \$64.00 in long distance telephone calls during which protests against Mrs. Ferraro were discussed, and \$75.00 for materials to create signs. Finally, the League spent \$238.00 for the plane fare of Mr. Scheidler to New York City. During a portion of his time in New York, Mr. Scheidler participated in a protest at a campaign rally for Mrs. Ferraro.

The brief of the General Counsel, however, does not focus upon this expenditure of funds, but rather, directs the Commission's attention to the lawful, constitutionally-protected activity of picketing and protest in which Mr. Scheidler participated. For example, the General Counsel alleges that "the corporation itself made anti-Mondale/Ferraro communications at public rallies and speeches," Brief at 5. This bare allegation includes no corroborating information, such as the date, time, place and nature of the allegedly improper communications.<sup>3/</sup> Most importantly, there is not a shred of evidence that the activity of Mr.

3. As a basis for this allegation, the General Counsel quotes the letter of July 26 as follows: "We have used this method [of demonstrating against Mondale and Ferraro] on a number of occasions." The General Counsel's gratuitous insertion of the bracketed material is not justified by the context of the letter. The reference in the letter is to a method of demonstration, not to a method of demonstration against these particular candidates. This is proven by the materials accompanying the letter, which include a photograph of a similar demonstration against Sandra Day O'Connor at the time of her appointment to the U.S. Supreme Court. In any event, even if this highly-doctored quote is taken as an admission that Mr. Scheidler had demonstrated against Mondale and Ferraro prior to July 26 (an unlikely assumption, given that their nomination had occurred in the previous week, on or about July 19) there is no link established to the expenditure of corporate funds.

86040311354  
Scheidler, outside of the expenditures referred to in the proceeding paragraph, involved the expenditure of any corporate funds. The apparent tactic of the General Counsel is to confuse the issues in this case by emphasizing the public nature of demonstrations that Mr. Scheidler himself may have been involved in, regardless of whether these demonstrations involved the expenditure of corporate funds in violation of Sec. 441b. The General Counsel's operating assumption is that if Mr. Scheidler appeared at a demonstration and received media coverage, then, ispo facto, the League is guilty of spending corporate funds for a communication to the general public. This pernicious line of reasoning is thoroughly unsupported by the FECA, which requires evidence of an expenditure before a violation of Sec. 441b is established.

The Commission, therefore, ought to reject the theory of the case as presented by the General Counsel and, instead, focus its inquiry solely on those expenditures of funds which have been established in the record. Evidence pertaining to extraneous matters, including the protest activity of Mr. Scheidler and the public visibility he has attained, are entirely irrelevant to this case, and, under the First Amendment, are beyond the purview of this Commission. To reiterate, the Commission may only make a finding of probable cause based on evidence of an expenditure in connection with a federal election--not actions that may have had no connection to the expenditure.



2. The General Counsel Exaggerates the Extent and the Impact of the Expenditures Made by the League to Protest the Abortion Position of Mrs. Ferraro.

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The evidence establishes that approximately \$550 of League funds were expended "to keep the abortion issue alive during [the 1984 presidential] campaign." Letter of Joseph M. Scheidler to Matthew Gerson, November 1, 1984. (A copy of this letter is attached as Exhibit 1.) From this rather straightforward admission by the League, the General Counsel extrapolates a number of vague and unsupported conclusions regarding the impact which the League's expenditures had upon the 1984 campaign. Using Mr. Scheidler's promotional statement about the crowd response and media attention his tactics have attracted in the past, the General Counsel concludes that "the corporation sent a partisan message beyond its restricted class each time it demonstrated at a campaign stop," and that "the relatively small sums expended do not necessarily reflect the number of persons beyond the corporation's restricted class who received the prohibited communications." Brief at 6.

The difficulty with the General Counsel's argument is his failure, once again, to link specific instances of allegedly "prohibited communication" with the expenditure of funds by the League. According to the General Counsel, Mr. Scheidler's promotional material "indicates" that the corporation has communicated beyond its restricted class, and that the amount of the expenditure "does not necessarily reflect" its impact. Given this scant evidence, any conclu-

sion as to whether and when a prohibited communication occurred and the impact of such a communication would be in the realm of pure conjecture.

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The only solid conclusion that can be drawn from the evidence presented in this case is that the League's expenditure of funds was used to communicate to those who received the July 26 letter (and only those persons) a message encouraging protest of the Democratic presidential and vice-presidential candidates. As to the other instances of prohibited communication alleged by the General Counsel, the most that can be concluded is that expenditures by the League might have influenced the content or style of these demonstrations. However, there is absolutely no evidence in the record establishing that but for the League's expenditures, anti-abortion demonstrations against Mondale and Ferraro would not have taken place. Absent evidence of "but for" causation, the expenditure of funds by the League cannot be linked to the fact that demonstrations took place at various stops along the Mondale-Ferraro campaign. Given the modest sum of the expenditures made by the League, it is preposterous to suggest that these demonstrations would not have taken place absent these expenditures. Hence, the incidence of anti-abortion demonstrations during the Mondale-Ferraro campaign, and the publicity that these demonstrations generated, can in no way serve as the basis for a finding of probable cause in this matter. In other words, the only communications that can serve as the basis

for action by this Commission are those for which the League was directly responsible, and for which the League incurred expenditures. Other forms of communication, such as the demonstrations mentioned in the General Counsel's brief, are irrelevant due to a lack of causal nexus between them and the expenditure of funds by the League.

When the factual issues before the Commission are properly limited in the manner just outlined, and those facts are evaluated against the requirements of the First Amendment as well as those of Sec. 441b, there is no basis for a finding of probable cause in this matter. No expenditure of the League was directed to any candidate or political organization, and there was no coordination between the League and any political entity. Thus, the only possible basis for finding of a violation in this case is that the League made an "independent" expenditure by financing communications to the general public. As shown above, the evidence of such communications is nebulous and speculative. The principal communication for which League funds were expended--the July 26 letter--was in no way directed to the "general public." Rather, it was sent to 300 groups and individuals who are affiliated with the League and share the League's objectives of action on behalf of the unborn. Without further evidence of expenditure of corporate funds, the League can simply not be held accountable for demonstrations which may or may not have been influenced to some degree by its July 26 letter.

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Furthermore, a finding of probable cause in this matter would raise severe constitutional questions. Mr. Scheidler and the League have a fundamental constitutional right to communicate to those which share the objectives of protesting against those figures in public life who have taken positions inimical to the League's philosophy. Those who may have followed Mr. Scheidler's advice in protesting appearances by Mrs. Ferraro likewise had a fundamental constitutional right to do so. Indeed, it is difficult to postulate a scheme of activity--letter-writing, speaking, sign-making and demonstrations--that would be closer to the core of those freedoms protected by the First Amendment. To suggest, as does the General Counsel, that such activity is "prohibited communication" because of the potential that a corporate expenditure of several hundred dollars may have influenced its content is a gross distortion of the legislative purpose of Sec. 441b, and an egregious affront to the First Amendment rights of those citizens involved. (As explained in greater detail in the next section, the First Amendment forbids application of Sec. 441b to the League under the facts of this case.)

Accordingly, the General Counsel's recommendation that the Commission make a finding of probable cause in this matter is not supported by the available evidence, and is contrary to law. The Commission should reject this recommendation and dismiss the matter under review.

B. The First Amendment Prohibits Application of Sec. 441b Against a Non-Profit, Ideological Corporation Such as the League.

Even if the actions taken by the League in connection with the abortion positions of Ferraro and Mondale did constitute a violation of Sec. 441b, application of that section in this case would violate the First Amendment rights of the League and its pro-life supporters to communicate on matters pertaining to abortion and public policy. Furthermore, the Commission cannot require that the League form a separate segregated fund to carry out its First Amendment rights, because the League could not effectively operate such a fund without dramatically changing the form of its corporate organization, a form which was explicitly chosen to maximize the League's capacity to carry out its corporate mission.

As established in FEC v. MCFL, 769 F.2d 13 (1st Cir. 1985), Sec. 441b infringes upon the constitutional rights of a corporation to engage in speech concerning government affairs. Although MCFL is not binding authority in the circuit in which the League resides, it is directly on point and cannot be distinguished in any meaningful way from this case. Furthermore, it is the only significant precedent on the constitutional question presented by this MUR, as is evidenced by the fact that the General Counsel has failed to present a single legal or factual argument as to why the Commission ought not to follow it. Although the Commission has chosen to appeal MCFL to the Supreme Court, it is not



free to ignore such significant legal authority on the mere grounds that it is not binding in the Seventh Circuit.

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In MCFL, the FEC sought to invoke Sec. 441b against Massachusetts Citizens for Life (hereinafter "MCFL") for having expended corporate funds in connection with the 1978 election of candidates for federal office. The facts reveal that MCFL was a non-profit corporation engaged primarily in the pursuit of fostering respect for human life through educational and political activities. In furtherance of these goals, MCFL published and distributed a "Special Election Edition" of the MCFL's regular newsletter which reported the position of candidates for federal office with regard to certain pro-life issues. In challenging MCFL's publication and distribution of the newsletter, the FEC argued that no exception can be made under Sec. 441b for non-profit, ideological corporations, because the important public policy of preventing corruption or the appearance thereof to candidates for federal office requires an absolute prohibition on such expenditures. Consequently, the FEC maintained, the inherent danger which might result from such expenditures was sufficient to proscribe the expenditures altogether. The court of appeals, however, affirming the ruling of the district court, rejected the FEC's argument, and held that the application of Sec. 441b to indirect, uncoordinated expenditures by a non-profit ideological corporation expressing its views of political candidates violated the organization's First Amendment rights.

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The court held that Sec. 441b must be considered a "content based restriction of expression," and as such, that it can be justified only by a showing of "substantial governmental interest." 769 F.2d at 22. The Commission argued that, since the FECA would permit MCFL to establish a separate segregated fund which could be used to engage in political activity, MCFL's First Amendment rights are not affected by the FECA. In rejecting this argument, the court noted that the availability of alternative methods of funding speech did not justify eliminating the simplest method, Id. at 22, and ultimately concluded that no substantial governmental interest was served by application of this regulation against MCFL.

Because MCFL [like the League in the matter under review] did not contribute directly to a political campaign, MCFL's expenditures did not incur any political debts from legislators. Moreover, contributors to MCFL need not be protected from having their money used for expenditures such as the Special Election Edition. Individuals who contribute to MCFL do so because they support MCFL's anti-abortion position and presumably would favor expenditures for a publication that informs contributors and others of the position of various candidates on the abortion issue. That would appear to be the very purpose of the organization and the contributions to it.

Id.

Finally, the court held that cases of independent expenditures, such as that engaged in by MCFL and by the respondent here, must be treated differently from cases involving direct contributions to a candidate or campaign committee. See, Federal Election Commission v. National Conservative Political Action Committee, 105 S.Ct. 1459,

1467 (1985). "The government has less interest in regulating independent expenditures than in regulating direct campaign contributions." 769 F.2d at 23. Thus, cases such as the matter under review are not controlled by the holding of the Supreme Court in FEC v. National Right to Work Committee, 459 U.S. 197 (1982).

It is evident from the First Circuit's holding in MCFL, that enforcement of Sec. 441b against a not-for-profit, ideological corporation such as the League is unconstitutional.<sup>4/</sup>

4. The First Circuit opinion in MCFL is in no way a novel reading of the constitutional rights of individuals and corporations. First Amendment rights of the individual have been interpreted to include the entity of the corporation. The Supreme Court in First National Bank of Boston v. Bellotti, 435 U.S. 765 (1976), held that the corporate status of the speaker does not deprive speech of its protection under the First Amendment. As the corporation is the outgrowth of the joining together of individuals to advocate common views, the corporate status of the speaker does not deprive the speech of a protected status, but rather increases the degree of protection to be accorded because the corporation enhances and secures the rights of its individual constituents. Id. at 789-91. See also, Citizens Against Rent Control/Coalition for Fair Housing v. City of Berkeley, 454 U.S. 290 (1981). Not only have the lower courts and the U.S. Supreme Court upheld the First Amendment rights of the corporation, the courts have also held that those rights must be extended to the corporation in order to protect the rights of the "hearer" to receive the corporate speaker's message. Saxbe v. Washington Post Co., 417 U.S. 843 (1974).

Moreover, the First Amendment guarantee of freedom of association also extends to the corporation. The "practice of persons sharing common views banding together to achieve a common end is deeply embedded in the American political process." Citizens Against Rent Control, 454 U.S. at 294. The courts have recognized the importance of fostering public debate on issues of general public interest as well as issues concerning government affairs. Buckley v. Valeo, 424 U.S. 1, 14 (1976) (per curiam), held that the dissemination of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by the Constitution. Furthermore, debate on public issues must be "uninhibited, robust and wide open." New York Times v. Sullivan, 376 U.S. 254 (1964).

Expenditures made by the League were not coordinated with any particular candidate or political party, nor has there been evidence of prearrangement of same. Secondly, it cannot be maintained that contributors to the League must be protected from having their monies spent to further views which they might not possess. It can be presumed, as the MCFL court noted, that contributors to an ideological organization, as the League, share in the goals and views of the organization to which they contribute and therefore would be in favor of having their contributions used to carry out the ideological activities of the corporation. The holdings in MCFL, as outlined herein, are clearly applicable to the case at bar.

Moreover, the constitutional mandate that Sec. 441b not be applied in this matter is perhaps even stronger than it was in MCFL. It is apparently the Genral Counsel's view that if the League wishes to engage in constitutionally protected activity that affects political candidates, it must do so through operation of a separate segregated fund, also referred to as a "political action committee" (PAC). However, due to the limitations which the FECA and FEC regulations place upon the solicitation of funds for a PAC, a corporation such as the League cannot effectively use a PAC as an instrument of corporate speech. In fact, to require the League to utilize a PAC to exercise its rights to communicate on issues in a federal election would be tantamount to suppressing its right to communicate altogether. Such a result is clearly unconstitutional.

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In order for the League to effectively operate a PAC, it must naturally have access to a constituency of financial supporters. FEC regulations, however, severely restrict the categories of persons to whom PAC solicitations may be sent, and in the case of the League, would prohibit PAC solicitations to those who are regular supporters of the League. In the case of corporations without capital stock, such as the League, the regulations limit solititations to "members and executive or administrative personnel, and their families. . . ." 11 C.F.R. Sec. 114(a). If this restriction were applied to the League, which has only three directors and two employees, the solicitation pool would be ludicrously small. Excluded from those eligible for solicitation, in the General Counsel's view, would be the regular supporters of the League, because these supporters do not meet the "membership" criteria set forth in National Right to Work, supra. League "members" or supporters do not pay a predetermined amount and dues and do not have specific rights and obligations vis-a-vis the corporation. See, National Right to Work, 459 U.S. at 206.

To apply the aforesaid scheme of regulations against the League would thus be an unconstitutional, absolute prohibition on free speech activity by the League that pertains to federal candidates. Although the League could theoretically reorganize itself to create a category of "membership" that meets Commission criteria, this would in effect compel the League to choose a form of corporate organization other than the one it has consciously selected



to best carry out its mission. The League's decisions to keep small the number of executive and administrative officers and employees, and to eschew formalized membership requirements, were made for very specific reasons. The League's director had discovered by prior experience that more formalized corporate structures made it more difficult to carry out the unique form of pro-life advocacy he engages in. Moreover, many of the League's supporters are of very modest means and might be unable to contribute dues on a regular basis to the League. Indeed, to require that all such persons pay a predetermined amount of dues as a condition to receiving the communications of the League regarding a candidate's views on abortion in effect creates a financial barrier to the individual's First Amendment right to receive the communication in question. Such a chilling of basic First Amendment rights is impermissible.

The respondent does not dispute the legitimate role of this Commission in enforcing restrictions on the use of corporate aggregations of wealth to influence and possibly corrupt candidates for federal office. However, this power of enforcement is limited by the doctrines of the First Amendment. These doctrines protect the right of a corporation to express its views concerning the ideological position of a candidate to those persons and groups who, by past support and mutual activity, have clearly allied themselves with the corporations's ideological position. Furthermore, the corporation cannot be forced into a

position where it must alter its very form of organization in order to exercise these First Amendment rights. The Constitution requires equal protection of the laws for all citizens, including corporations. Business corporations with stockholders, or noncapital stock corporations with formal membership ranks, may effectively avail themselves of a PAC. An impecunious, ideological, not-for-profit corporation such as the League cannot. Its First Amendment rights, which are equal to those of other corporations, cannot be restricted in the manner recommended by the General Counsel.

C. THE PENDENCY OF MCFL v. FEC BEFORE THE U.S. SUPREME COURT SUGGESTS THAT ALL ACTION ON THIS MATTER BE DEFERRED.

From the prior discussion of FEC v. MCFL, it is evident that the resolution of that case by the United States Supreme Court is likely to be dispositive of the principal issues raised in the matter under review. Prudence and common sense would dictate, therefore, that any finding of probable cause in this matter be deferred until a decision has been reached in MCFL, and the General Counsel and respondent are each given an opportunity to submit legal briefs on the impact of that case.

If the Commission, notwithstanding the pendency of MCFL were to proceed to a finding of probable cause in this matter, this would only complicate the resolution of this matter, not expedite it. From the position taken by respondent in this Brief, it ought to be evident that the

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respondent will continue to contest this matter at least until the time that a decision is rendered in MCFL. For the respondent to act otherwise, in light of an opinion of a highly respected federal court of appeals that utterly vindicates its position, would be irrational. Thus, the respondent will not conciliate this matter prior to the decision in MCFL, and if the Commission were then to file a civil action in federal district court, the respondent would likewise contest that action. Given the virtual identity of the constitutional issues raised by respondents to those before the Supreme Court in MCFL, it is more than likely that the district court would stay any proceeding brought by the Commission against the respondent. At the time MCFL is decided, there is also a significant possibility that the court would remand the matter back to the Commission for further findings in light of the principles enunciated in that case. That would bring the parties exactly to the point at which they now stand, having expended considerable time, expense and effort in a fruitless pursuit.

The respondent is of the position that, regardless of the decision in MCFL, the General Counsel has not presented a case sufficient to support a finding of probable cause. However, if the Commission disagrees, then the only logical course for the Commission is to refrain from further proceedings in this matter until MCFL is resolved. To do otherwise would waste the resources of the Commission, as well as those of the respondent, a non-profit organization

of very modest means to which the current proceeding is a significant burden.

Respectfully submitted,

*Edward R. Grant*

Edward R. Grant  
Ann-Louise Lohr

Counsel for Respondents,  
Pro-Life Action League and  
Joseph M. Scheidler, Director

OF COUNSEL:

AUL Legal Defense Fund  
343 S. Dearborn St.  
Room 1804  
Chicago, IL 60604  
312-786-9494

DATED: March 3, 1986

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# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

November 1, 1984

Charles N. Steele  
General Counsel  
Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Attn: Matthew Gerson  
Subj: MUR 1826

Dear Mr. Gerson,

Thank you for your letter of October 25 notifying me that on October 19 the Commission received a complaint from the National Abortion Rights Action League alleging that the Pro-Life Action League violated sections of the Federal Election Campaign Act of 1971.

I would like to demonstrate that no action should be taken against the Pro-Life Action League in connection with this matter and hope this complaint will be dismissed for lack of merit.

I am going to be represented by counsel in this matter and have so advised the Commission by sending the letter of presentation. My counsel will want to receive all communications from the Commission.

Regarding the facts as presented by NARAL, I submit that the Pro-Life Action League has not published a book entitled: CLOSED: 99 Ways to Shut Down the Abortion Industry. This book is in the process of being written, and will be published sometime in early 1985. Nobody but the publisher has seen copy, and there is nothing in it that encourages "often virulent demonstrations." Nor has it been "associated with bombings and other acts of violence against medical clinics which provide abortion services." There is a chapter on "Violence. Why It Won't Work." The "facts" as put forth by NARAL in this paragraph are fiction.

The suggestion that our pickets of Geraldine Ferraro because of her pro-abortion stand has cost a great deal of money is also untrue. The total amount spent on our efforts to keep the abortion issue alive during this campaign has been as follows:

Flier on how to picket.....	\$ 31.20
Letter to accompany flier.....	17.00
Envelopes.....	10.00
Postage to send flier.....	50.00
Ferraro Position Paper.....	41.00
Ferraro flier (Donhaue Show).....	23.05
Trip to New York (7/30/84).....	238.00
Long Distance calls.....	64.00

\$474.25 TOTAL EXPENSES



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Once the flier and its accompanying letter explaining the program to be followed was sent, only a few calls had to be made to promote the undertaking. For the most part people called our office to report their plans. Signs were most often made with existing materials by volunteers at various Ferraro appearances.

NARAL interprets a statement in my letter of July 27, 1984, that the candidates will see a carefully coordinated plan "to defeat them," to allude to their political defeat. It never occurred to us that there was any question about the political defeat of the Mondale-Ferraro ticket. The defeat I am addressing is Mondale's plan to win the Catholic vote by selecting a "Catholic" like Ferraro and the defeat of Ferraro's attempt to sell herself as "pro-life" merely by saying she is personally opposed to abortion.

The purpose of the Mondale-Ferraro demonstrations was to make abortion a major campaign issue by challenging the candidates' positions. If bringing up the abortion issue at gatherings was enough to "defeat" the candidates, that would contradict the abortionists theory that the majority of Americans favor abortion. Pointing out the Mondale-Ferraro pro-abortion stand would only help them, not "defeat" them.

NARAL suggests that we should picket Vice-President George Bush and President Reagan, since they supported abortion in the past. As a matter of fact, we did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980 because of his stand on abortion that allowed for exceptions, though he never supported federal funding of abortion.

We also picketed President Reagan when he nominated in July 1981, Sandra Day O'Connor to the U. S. Supreme Court. Mrs. O'Connor had a pro-abortion voting record dating from her time in the Arizona legislature and we feared President Reagan had not considered this in making his selection. We were subsequently satisfied that this was a wise selection.

We have been fully satisfied with President Reagan's pro-life stand, and are impressed with Vice-President Bush's new stand on the abortion issue, which, while not fully satisfactory, is much closer to the President's than it was formerly. By his own admission in the Vice-Presidential debates he is comfortable with the President's stand on abortion.

These are my comments on the facts as presented by NARAL's attorneys. I will allow my attorney to address the legal issue.

Respectfully in Life,

*Joseph M. Scheidler*  
Joseph M. Scheidler  
Executive Director

JMS:bam

## BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Pro-Life Action League, Inc.,	)	MUR 1826
and Joseph M. Scheidler,	)	
as Executive Director	)	

## VERIFICATION OF JOSEPH M. SCHEIDLER

I, Joseph M. Scheidler, verify and state as follows:

1. That I am the Executive Director of Pro-Life Action League, Inc., (hereinafter "League") an Illinois not for profit corporation incorporated April 17, 1980.

2. That I, as Executive Director of the League, am a party to this enforcement proceeding before the Federal Election Commission.

3. That the League is also a party to this proceeding.

4. That I am aware that the FEC, in its complaint against the League, has alleged that the League expended corporate funds in conjunction with the 1980 presidential campaign of George Bush and that the allegation, if in fact true, constitutes a violation of FEC regulations.

5. That the allegations made by the Federal Election Commission are without merit in that:


a. The League was not incorporated at the time of the alleged violation.

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b. I, Joseph Scheidler, did not act on behalf of the League in any exercise of my right to express my views on the candidacy of George Bush.

c. No corporate funds of the League were expended in conjunction with the candidacy of George Bush.

The statements made by me herein are accurate and truthful to the best of my knowledge.

  
Joseph M. Scheidler,  
as Executive Director of  
Pro-Life Action League, Inc.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
 Pro-Life Action League, Inc., )  
 and Joseph M. Scheidler, )  
 as Executive Director )

MUR 1826

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**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

On January 27, 1986, this Office sent the General Counsel's Brief to the respondents. The respondents requested and received an extension of time until March 3, 1986 to respond. Upon receipt of that response, this Office will again report to the Commission.

Charles N. Steele  
 General Counsel

February 26, 1986  
 Date

By:

Kenneth A. Gross  
 Kenneth A. Gross  
 Associate General Counsel

86040611373



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 6, 1986

Mr. Edward R. Grant  
343 S. Dearborn Street, Suite 1804  
Chicago, Illinois 60604

Re: MUR 1826  
Pro-Life Action League, Inc.,  
and Joseph M. Schindler, as  
Executive Director

Dear Mr. Grant:

This is in reference to your letter dated January 31, 1986, requesting an extension until March 3, 1986 to respond to the General Counsel's Brief. After considering the circumstances presented in your letter, the Commission has determined to grant you your requested extension. Accordingly, your response will be due on March 3, 1986.

If you have any questions, please contact Robert Raich, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele  
General Counsel

*Kenneth A. Gross (LigZ)*

By: Kenneth A. Gross  
Associate General Counsel

RR:ha

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GCC#9635  
RECEIVED AT THE FEC

**AMERICANS  
UNITED FOR LIFE**  
Legal Defense Fund

31 January 1986

Robert Raich, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

Dear Mr. Raich:

I have received a copy of the notice that the FEC has found reasonable cause to believe that my client, the Pro-Life Action League, has violated Sec. 441b of the FECA of 1971.

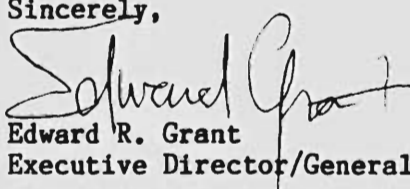
I hereby request a reasonable extension of time of 15 days in order to file my brief in response.

Since my brief is currently due on February 14, 1986, this extension would render my brief due on Monday, March 3, 1986

Unless I hear from you to the contrary, I will assume that this extension is acceptable and my briefs will be filed on the stated date.

Thank you very much for your cooperation.

Sincerely,

  
Edward R. Grant  
Executive Director/General Counsel

cc: Joseph Scheidler

343 S. Dearborn Street  
Suite 1804  
Chicago, IL 60604  
312. 786-9494

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Prof. George H. Williams  
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Harvard University

Jasper F. Williams, Sr., M.D.  
Obstetrics - Gynecology

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UNITED FOR LIFE

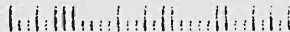
Legal Defense Fund

375  
S. Dearborn Street  
Suite 1804  
Chicago, IL 60604

Robert Raich, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington DC 20463



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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

January 27, 1986

Edward R. Grant, Esquire  
343 S. Dearborn Street, #1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

Dear Mr. Grant:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 31, 1985, found reason to believe that your client violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation of 2 U.S.C. § 441b occurred. The Commission may or may not approve the General Counsel's recommendations.

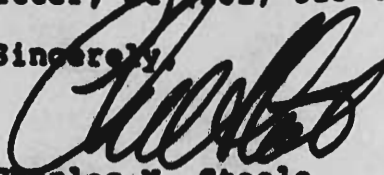
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your client's position on the issues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

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Letter to Edward R. Grant, Esquire  
Page 2

Should you have any questions, please contact Robert Raich,  
the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OFFICE OF THE SECRETARY  
COMMISSIONER

**SENSITIVE**

00 JAN 28 1986

January 27, 1986

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele  
General Counsel *CNS*

SUBJECT: MUR #1826

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 Respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on January 27, 1986. Following receipt of the Respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondents

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

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MUR 1826

**SENSITIVE**

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On January 31, 1985, the Commission found reason to believe that the Pro-Life Action League, Inc. ("the corporation") and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b, a section of the Federal Election Campaign Act of 1971, as amended ("the Act").

The corporation is an Illinois not-for-profit corporation. It distributed a Directive to approximately 300 people outlining methods for demonstrating against Walter Mondale and Geraldine Ferraro at the Democratic candidates' campaign stops. The corporation's methods involved organized groups of individuals, in a synchronized verbal and visual display, chanting slogans (e.g., "Life yes, Ferraro no!") and holding aloft letters. In addition, the corporation, on a number of occasions at public rallies and speeches, made anti-Mondale/Ferraro communications during the 1984 presidential campaign.

The corporation used corporate funds to carry out these activities. It also publicly demonstrated against George Bush during the 1980 Republican presidential primary campaign.

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## II. LEGAL ANALYSIS

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A corporation may not make contributions or expenditures in connection with any federal election. 2 U.S.C. § 441b(a). The terms "contribution" and "expenditure" include "anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §§ 431(8)(A)(i) and 431(9)(A)(i). However, the terms do not include communications by a corporation to its stockholders and executive or administrative personnel and their families. 2 U.S.C. § 441b(b)(2)(A). Thus, although a corporation may make partisan communications in connection with a Federal election to a carefully defined restricted class, no corporation may make expenditures for partisan communications to the general public in connection with a federal election. See 11 C.F.R. § 114.3(a)(1).

### A. The Restricted Class of an Incorporated Membership Organization

Under 11 C.F.R. § 114.3(a)(2), an incorporated membership organization or corporation without capital stock may make certain partisan communications to "its members and executive or administrative personnel, and their families." (Emphasis added.) The term "member" is defined at 11 C.F.R. § 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a membership organization or corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

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In addition to the regulation defining "member," the Commission's advisory opinions addressing solicitations by a corporation discuss the factors that will support an organization's claim to the membership exception. In Advisory Opinion 1977-67 the Commission stated that "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization." The Commission elaborated by stating, "The solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members . . . and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation." The Commission also considered the existence of "a predetermined minimum amount for dues or contributions" as a prerequisite to claiming the membership exception.

In FEC v. National Right to Work Committee, 459 U.S. 197 (1982), the Supreme Court considered the definition of "member," as it is used in the Act and in the Commission's regulations, concerning solicitation of contributions to a separate segregated fund of a corporation without capital stock. The Court held that "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." In addition, the Court recognized certain other indicia of a lack of "membership." Specifically, the solicitation letters at issue made no reference to members,

persons solicited played no part in the operation or administration of the corporation and did not elect corporate officials, there were no membership meetings, and there was no indication that persons solicited exercised any control over the expenditure of their contributions. Because of the foregoing, the Court decided that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members.'" 459 U.S. at 206.

B. The Corporation's Activities

1. The Directive

According to the corporation's response to questions posed by the Commission, the recipients of the Directive were not corporate stockholders, executive or administrative personnel, or their families; rather, the recipients were selected from the corporation's mailing list as "individuals and groups whom we believed would be interested in the project we proposed."

Moreover, the corporation's response reveals that recipients of the Directive were not corporation members within the meaning of the Act and the regulations. Individuals needed to show only an interest in the corporation by making contributions or requesting information to become "members." There was no set dues amount required for membership. The corporation's response explained that corporation "members" do not play an active part in the corporation's operation or administration, do not elect corporate officials, do not have voting rights, and do not have any control over the manner in which the corporation spends its funds.

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According to the corporation's response, it sent the Directive to "members" as well as to corporation "affiliates," whom the corporation admits were not members. According to the corporation:

The League's affiliates are other pro-life activist groups who espouse the same goals as the League, but are not necessarily "members" as such because they have their own pro-life groups. We have an agreement to exchange newsletters and other special mailings with each other without considering each other as members of the other's group. One becomes an affiliate by being a pro-life activist group and showing an interest in the work of the League, and asking to be on the League's mailing list. Affiliation is very loose. About seventy-five affiliate groups were among the 300 letters sent directives.

The corporation's Articles of Incorporation are silent on the subject of who qualifies as a "member." The corporation's By-Laws state that "members" are "the incorporators and such other persons as shall be elected by the Board of Directors. Members may be individuals, corporations, foundations, unincorporated associations or other organizations." The corporation's response to the Commission, however, indicates that the Board of Directors does not, in fact, "elect" members. Moreover, the By-Laws do not mention "affiliates." To the contrary: The By-Laws state, "There shall be only one class of members of the corporation."

## 2. Public Demonstrations

The corporation itself made anti-Mondale/Ferraro communications at public rallies and speeches. The Directive states, "We have used this method [of demonstrating against Mondale and Ferraro] on a number of occasions . . . . It gets

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good crowd response and media attention, but is especially effective in sending a chilling message to the candidates that there is a carefully orchestrated plan to defeat them." The fact that the corporation admittedly used this technique on "a number of occasions" indicates that the corporation sent a partisan message beyond its restricted class each time it demonstrated at a campaign stop.

In addition to the corporation's activities during the 1984 campaign, the corporation has admitted that it protested against George Bush during the 1980 Republican presidential primary.

### 3. Use of Corporate Funds

In a November 1, 1984 letter to the Commission, the corporation admitted spending \$474.25 "to keep the abortion issue alive during this [the 1984] campaign." Clearly, such money was spent "for the purpose of influencing" a federal election. The corporation later admitted spending an additional "approximately \$75" for signs. The Directive boasted about crowd response and media attention, thus the relatively small sums expended do not necessarily reflect the number of persons beyond the corporation's restricted class who received the prohibited communications.

Because the corporation made partisan communications to persons not qualifying as members pursuant to the applicable case law and agency interpretation, there is probable cause to believe that Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.

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C. The MCFL Case

The First Circuit recently handed down its decision in FEC v. Massachusetts Citizens for Life, Inc. ("MCFL"), No. 84-1719 (1st Cir. July 31, 1985). The key legal issues in FEC v. MCFL are similar to those presented in this MUR: MCFL is a non-profit corporation which used corporate funds to distribute publications advocating the election of certain candidates to people outside its restricted class.


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In MCFL, the court first ruled that the definition of "expenditure" at 2 U.S.C. § 431(9)(A)(i) embraces the definition of "expenditure" at § 441b(b)(2), even though the latter does not include the "for the purpose of influencing any election" language of the former. The court then ruled that MCFL's publications were not exempted from § 441b by the press exception of § 431(9)(B)(i). Most significantly, the court held that § 441b is unconstitutional as applied against MCFL. The court reasoned that § 441b is a content-based restriction on first amendment freedom of expression, which can be justified only by a substantial governmental interest; no such interest was found to exist--at least with regard to independent expenditures by a non-profit ideological corporation.

The Commission is appealing MCFL to the Supreme Court. MCFL presently is the law only in the First Circuit. The Pro-Life Action League, Inc. is not located in that circuit, therefore MCFL is not controlling in this MUR.

**III. General Counsel's Recommendation**

Find probable cause to believe that the Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.

24 January 1986  
Date

  
\_\_\_\_\_  
Charles N. Steele  
General Counsel

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

January 27, 1986

Edward R. Grant, Esquire  
343 S. Dearborn Street, #1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc.  
and Joseph M. Scheidler,  
as Executive Director

Dear Mr. Grant:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission, on January 31, 1985, found reason to believe that your client violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended, and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation of 2 U.S.C. § 441b occurred. The Commission may or may not approve the General Counsel's recommendations.

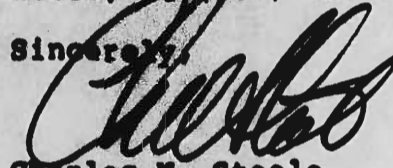
Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your client's position on the issues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

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Letter to Edward R. Grant, Esquire  
Page 2

Should you have any questions, please contact Robert Raich,  
the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele  
General Counsel

Enclosure  
Brief

86040511389



BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

In the Matter of )

Pro-Life Action League, Inc. )  
and Joseph M. Scheidler, )  
as Executive Director )

MUR 1826 85 AUG 23 P 5: 27

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

The Commission has found reason to believe that the Pro-Life Action League, Inc. (the "League") and Joseph M. Scheidler, as Executive Director (jointly referred to as the "Respondents"), violated 2 U.S.C. § 441b. The League used corporate funds to communicate through the mail and at public demonstrations with people who did not qualify as League members.

On May 6, 1985, the Commission mailed a conciliation agreement to the Respondents' counsel. On June 3, 1985, after several telephone conversations between this Office and counsel, this Office received a letter requesting certain revisions to the first proposed agreement. On July 9, 1985 the Commission approved a second conciliation agreement incorporating several aspects of the requested revisions. On August 5, 1985, counsel returned the conciliation agreement signed by Mr. Scheidler (See Attachment 1).

After this Office received the signed conciliation agreement, it prepared a General Counsel's Report recommending that the Commission accept and close the file. However, on August 12, 1985, Respondents' counsel called this Office and requested that the Commission postpone further consideration of the conciliation agreement until the Respondents had an opportunity to assess the July 31, 1985 decision by the United

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States Court of Appeals for the First Circuit in FEC v. Massachusetts Citizens for Life, No. 84-1719. On August 14, 1985, counsel notified this office by telephone that it no longer wished to engage in conciliation prior to a probable cause to believe determination. Counsel confirmed that decision in a letter received by this Office on August 15, 1985. (See Attachment 2.)

Accordingly, the General Counsel's Office is proceeding to the next stage of the enforcement process.

Charles N. Steele  
General Counsel

August 22, 1985  
Date

BY:

Kenneth A. Gross  
Associate General Counsel

Attachments

1. Letter from Edward Grant to Matthew Gerson, received August 5, 1985.
2. Letter from Edward Grant to Matthew Gerson, received August 15, 1985

86040511391

30 July 1985

Matthew Gerson, Esq.  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

Dear Mr. Gerson:

Enclosed is the Conciliation Agreement in the above-captioned matter, signed by Joseph M. Scheidler, director of the Pro-Life Action League.

Please let me know as soon as the Commission has approved this Conciliation Agreement.

It has been a pleasure working with you on this matter.

Sincerely yours,

*Edward R. Grant*

Edward R. Grant  
Attorney for Pro-Life Action League

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GCC#  
85 AUG 5 48:03

85 AUG 5 12:04  
GENERAL COUNCIL  
RECEIVED

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Attachment 1

HAND DELIVERED  
85 AUG 15 AM 11:48

343 S. Dearborn St. Rm. 1804  
Chicago, Ill. 60604  
312-786-9517

14 August 1985

Matthew Gerson, Esq.  
Federal Election Commission  
1325 K St. N.W.  
Washington, D.C. 20463

RE: MUR 1826

Dear Mr. Gerson:

On July 30, 1985, Joseph Scheidler, director of respondent Pro-Life Action League, signed a conciliation agreement in this matter, admitting a violation of the Federal Election Campaign Act.

Several days ago, I became aware of the decision of the United States Court of Appeals for the First Circuit in FEC v. Massachusetts Citizens for Life. Having reviewed this opinion and advised my client of the impact which I believe that decision should have upon enforcement actions such as the instant matter under review, I have now been advised by Mr. Scheidler to request that you consider his signature on the conciliation agreement to be withdrawn.

I regret any inconvenience that this alteration of our position may cause. However, since the FEC v. MCFL decision was not rendered until we had already sent the signed conciliation agreement to your office, there was no means for us to avoid this situation.

As matters now stand, the League takes the position that, under the principles set forth in MCFL, the Commission lacks a constitutional basis for further proceedings in this matter, and that the complainant's charge should be dismissed.

Thank you for your cooperation in seeing to it that our position is accurately reflected in the file of this matter.

Sincerely,

*Edward R. Grant*

Edward R. Grant  
Attorney for Respondent,  
Pro-Life Action League

Attachment 2

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HAND DELIVERED  
85 AUG 15 11:40

343 S. Dearborn St. Rm. 1804  
Chicago, Ill. 60604  
312-786-9517

14 August 1985

Matthew Gerson, Esq.  
Federal Election Commission  
1325 K St. N.W.  
Washington, D.C. 20463

RE: MUR 1826

Dear Mr. Gerson:

On July 30, 1985, Joseph Scheidler, director of respondent Pro-Life Action League, signed a conciliation agreement in this matter, admitting a violation of the Federal Election Campaign Act.

Several days ago, I became aware of the decision of the United States Court of Appeals for the First Circuit in FEC v. Massachusetts Citizens for Life. Having reviewed this opinion and advised my client of the impact which I believe that decision should have upon enforcement actions such as the instant matter under review, I have now been advised by Mr. Scheidler to request that you consider his signature on the conciliation agreement to be withdrawn.

I regret any inconvenience that this alteration of our position may cause. However, since the FEC v. MCFL decision was not rendered until we had already sent the signed conciliation agreement to your office, there was no means for us to avoid this situation.

As matters now stand, the League takes the position that, under the principles set forth in MCFL, the Commission lacks a constitutional basis for further proceedings in this matter, and that the complainant's charge should be dismissed.

Thank you for your cooperation in seeing to it that our position is accurately reflected in the file of this matter.

Sincerely,

*Edward R. Grant*

Edward R. Grant  
Attorney for Respondent,  
Pro-Life Action League

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30 July 1985

Matthew Gerson, Esq.  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

Dear Mr. Gerson:

Enclosed is the Conciliation Agreement in the above-captioned matter, signed by Joseph M. Scheidler, director of the Pro-Life Action League.

Please let me know as soon as the Commission has approved this Conciliation Agreement.

It has been a pleasure working with you on this matter.

Sincerely yours,

*Edward R. Grant*  
Edward R. Grant  
Attorney for Pro-Life Action League

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GCC# 8193  
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PI2:04

RECEIVED  
GENERAL COUNCIL

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AMERICANS  
UNITED FOR LIFE

Legal Defense Fund

43 S. Dearborn Street  
Suite 1804  
Chicago, IL 60604

Matthew Gerson, Esq.  
Federal Election Commission  
Washington, DC 20463

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A 8:02

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pro-Life Action League, Inc. and  
Joseph M. Scheidler, as  
Executive Director

)  
)  
)  
)  
)

MUR 1826

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of July 9, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1826:

1. Approve and send the conciliation agreement attached to the General Counsel's report dated June 27, 1985, subject to amendment of
- 2 Approve and send the letter attached to the General Counsel's report dated June 27, 1985.

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

Attest:

7-11-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of )  
 )  
Pro-Life Action League, Inc. and ) MUR 1826  
Joseph M. Scheidler, as )  
Executive Director )

**GENERAL COUNSEL'S REPORT**

**BACKGROUND**

The Commission has found reason to believe that the Pro-Life Action League, Inc. (the "League") and Joseph M. Scheidler, as Executive Director (jointly referred to as the "Respondents"), violated 2 U.S.C. § 441b. The League used corporate funds to communicate through the mails and at public demonstrations with people who did not qualify as League members.

On April 30, 1985, the Commission approved a conciliation agreement that was mailed to Respondents' counsel on May 6, 1985 ("First Proposed Agreement"). On June 3, 1985, after several telephone conversations with counsel, this Office received a letter suggesting certain revisions to the First Proposed Agreement and containing an alternative conciliation agreement. See Attachment 1. Those documents reflect

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#### RECOMMENDATIONS

1. Approve and send the conciliation agreement attached to this report.
2. Approve and send the attached letter.

Charles N. Steele  
General Counsel

June 27, 1985  
Date

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

#### Attachments

1. Letter dated May 30, 1985 from Edward R. Grant to Matthew Gerson and alternative conciliation agreement attached thereto.
2. Revised Conciliation Agreement.
3. Letter to Respondents' counsel.





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 6, 1985

Edward R. Grant, Esquire  
343 S. Dearborn #1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc.  
and Joseph M. Scheidler, as  
Executive Director

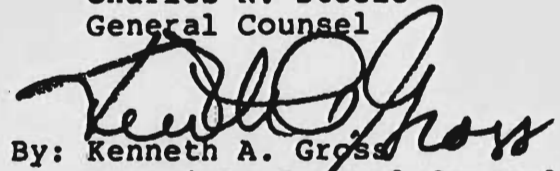
Dear Mr. Grant:

On January 31, 1985, the Commission found reason to believe that the Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b. At your request, the Commission determined on April 30, 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

  
By: Kenneth A. Gross  
Associate General Counsel

Enclosures

cc: John J. Jakubczyk

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Pro-Life Action League, Inc. ) MUR 1826  
and Joseph M. Scheidler, )  
as Executive Director )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 30, 1985, do hereby certify that the Commission decided by a vote of 4-1 to take the following actions in the above-captioned matter:

1. Enter into pre-probable cause conciliation with the Pro-Life Action League and Joseph M. Scheidler, as Executive Director.
2. Approve the proposed conciliation agreement attached to the General Counsel's report dated April 19, 1985, subject to amendment to
3. Approve and send the letters attached to the General Counsel's report dated April 19, 1985.

Commissioners Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner Aikens dissented; Commissioner McDonald was not present at the time of the vote.

Attest:

5-1-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

86040511401

BEFORE THE FEDERAL ELECTION COMMISSION

FILED  
OFFICE OF THE  
COMMISSION SECRETARY

In the Matter of )

Pro-Life Action League, Inc. )  
and Joseph M. Scheidler, )  
as Executive Director )

MUR 1826

25 APR 13 11:00

GENERAL COUNSEL'S REPORT

**SENSITIVE**

BACKGROUND

On January 31, 1985, the Commission found reason to believe that the Pro-Life Action League and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b. On February 6, 1985, the Commission issued questions to Mr. Scheidler. See Attachment 1. On March 8, 1985, Barbara Menes, the League's Executive Secretary, responded to those questions after counsel requested an extension of time to answer. See Attachment 2. On April 1, 1985, counsel submitted a letter requesting pre-probable cause to believe conciliation.

FACTUAL AND LEGAL ANALYSIS

On July 27, 1984, the Executive Director of the Pro-Life Action League, Inc., Joseph M. Scheidler, distributed a directive outlining methods for demonstrating against Walter Mondale and Geraldine Ferraro during the Democratic candidates' campaign stops. Mr. Scheidler's methods involve an organized group of demonstrators spelling out slogans by holding aloft individual letters in a synchronized verbal and visual display.

The League, an Illinois Not-for-Profit corporation, may not make contributions or expenditures in connection with any federal election. 2 U.S.C. § 441b. While the regulations permit a

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corporation to make partisan communications in connection with a federal election to a carefully defined class of members, stockholders and employees, no corporation may make expenditures for partisan communications to the general public. 11 C.F.R. § 114.3(a).

**A Corporation Without Capital Stock's Solicitable Class**

Generally, as to a corporation, the solicitable class includes the corporation's stockholders, its executive and administrative personnel, and their respective families. 2 U.S.C. 441b(b)(4)(A). An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock. The term "member" is defined at 11 C.F.R. § 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

In addition to the regulation defining "member," the Commission's advisory opinions addressing a corporation's contribution solicitation elaborate on the factors that will support an organization's claim to the membership exception. In Advisory Opinion 1977-67 the Commission stated that 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.1(e) assume that, "there are, in fact, requirements for membership in the

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organization." The Commission concluded that, "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization." The Commission elaborated further by stating that, "the solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation" (emphasis added). The Commission also considered the existence of a "predetermined minimum amount for dues or contributions as a prerequisite to claiming the membership exception under 2 U.S.C. § 441b(b)(4)(C)." See A.O. 1977-67.

The Supreme Court in FEC v. National Right to Work Committee, 103 S.Ct. 552 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock. The Court concluded that, "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." In addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letters made "no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and there

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was no indication that the asserted members exercised any control over the expenditure of their contributions caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'," under 2 U.S.C. § 441b(b)(4)(C). FEC v. NRWC, 103. S.Ct. at 558.

The precedents outlining the criteria for membership with regard to contribution solicitations are apposite in determining the group to whom corporations may distribute partisan communications. See MUR 1823.

#### **Recipients of the League's Communications**

##### **A. Mr. Scheidler's Directive**

It appears from Ms. Menes response that all the recipients of the directive did not have bona fide rights and obligations vis-a-vis the Pro-Life Action League, Inc. In fact, the answers reveal that individuals need only show an interest in the League by making contributions or requesting information to become "members". Ms. Menes explained that League "members" do not play an active part in the League's operation or administration, do not elect corporate officials, have no voting rights, and do not have any control over the manner in which the League spends its funds. See Attachment 2. Ms. Menes also acknowledges that the League's affiliates are not members within the meaning of the statute. Her letter states:

The League's affiliates are other pro-life activist groups who espouse the same goals as the League, but are not necessarily "members" as such because they have their own pro-life groups. We have an agreement to exchange newsletters and other special

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mailings with each other without considering each other as members of the other's group. One becomes an affiliate by being a pro-life activist group and showing an interest in the work of the League, and asking to be on the League's mailing list. Affiliation is very loose. About seventy-five affiliate groups were among the 300 letters sent directives.

It is this Office's opinion that the League distributed the directive beyond its solicitable class.

B. Public Demonstrations

It appears that the corporation also sent an anti-Mondale-Ferraro communication at public rallies and speeches.

Mr. Scheidler's directive states, "we had used this method (of demonstrating against Mondale-Ferraro) on a number of occasions . . . . It gets good crowd response and media attention . . . ." The fact that the League admittedly used this public technique on a "number of occasions" indicates that the League used corporate money to send a partisan message beyond the restricted class each time it held up signs at a public rally.

Pre-Probable Cause Conciliation

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#### **RECOMMENDATIONS**

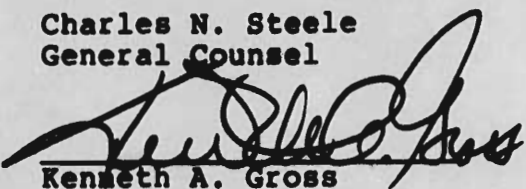
1. Enter into pre-probable cause conciliation with the Pro-Life Action League and Joseph M. Scheidler, as Executive Director.
2. Approve the attached proposed conciliation agreement.

3. Approve and send the attached letters.

Charles N. Steele  
General Counsel

April 19, 1985  
Date

BY:

  
Kenneth A. Gross  
Associate General Counsel

Attachments

1. Questions posed by the Commission to Joseph M. Scheidler.
2. Barbara Menes response to the questions on behalf of the League.
3. Conciliation Agreement.
4. Letters to Counsel.

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QUESTIONS TO:

Joseph M. Scheidler  
Executive Director of the  
Respondent Pro-Life Action League, Inc.

1. How does one become a member of the Pro-Life Action League, Inc. (hereinafter "League")? State whether:

a) there are any requirements that a person pay a set amount of dues to become a League member;

b) there are any requirements that a person must affirmatively state his or her intent to become a League member before he or she would be considered a member;

c) there are any requirements concerning renewal of League membership;

d) there are any conditions whereby a person would lose his or her membership in the League;

e) members play any active part in the operation or administration of the corporation;

f) members elect corporate officials or have any voting rights;

g) members have an opportunity to attend membership meetings;

h) members have control over the League's expenditures or play any part in the League's operation or administration;

i) there are any other requirements for, or rights of, League membership.

For each of the above, describe the requirements and conditions in complete detail, including whether each requirement or condition is written and/or had been approved by the League's Board of Directors. Please provide a photocopy of any written requirements for League membership. Please provide a complete copy of the League's Bylaws.

2. For each requirement and condition described in response to 1a-1i above, state whether members and potential League members are notified of these requirements and conditions, and the manner in which they are notified.

3. Please provide a complete list of the people or groups that received Mr. Scheidler's directive dated July 27, 1984 ("directive"). How were the directives distributed?

3a. Mr. Scheidler's directive is addressed, "Dear Pro-Life Activist;" Did any non-League members who are Pro-Life Activists receive the directive? Did any non-League members receive the directive? When were the directives first distributed? Were all the directives distributed simultaneously?

4. Attorney Edward Grant stated in his letter to the General Counsel's Office that the communications engaged in by the respondent League were made, "exclusively to members and

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affiliates of the League, not to the general public." What are the League's affiliates? How does one become a League "affiliate"? Please discuss League affiliates addressing the questions raised in questions 1a-1i above. Please provide a detailed list of the affiliates that received the communication.

5. In Mr. Scheidler's response to the Commission dated November 1, 1984, he states, "signs were most often made with existing materials by volunteers at various Ferraro appearances." Did the League initially purchase the "existing materials"? How often was it necessary for the League to purchase new materials? How much did those new materials cost?

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# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60648 Office (312) 777-2900 Newsline (312) 777-2525

RE: MUR1826

March 8, 1985

Mr. John Warren McGarry  
FEDERAL ELECTION COMMISSION  
Washington, DC 20463

Dear Mr. McGarry,

We were sorry to learn that, pursuant to 2 U.S.C. and 437g (a) (1) the Federal Election Commission after review of our statements and information, has decided that it has reason to believe that we have violated the Federal Election Campaign Act of 1971.

Wishing to cooperate with the Commission in this matter we herein answer your questionnaire to the best of our ability. To wit.

1. How does one become a member of the Pro-Life Action League?

- a) no set amount of dues are required to become a member of the League. A simple request to be on the mailing list suffices for membership. We make a point of this in soliciting membership.
- b) People are not required to state that they want to become a member but merely ask to receive our mailings or even have their name submitted by a friend.
- c) there are no firm requirements concerning renewal of League membership. A person may remain indefinitely.
- d) a person might lose his or her membership in the League by proving to be pro-abortion or otherwise not in accord with the principles of the League regarding the pro-life position.
- e) members do not play an active part in the operation or administration unless they apply for a volunteer position in the League to help out in some capacity.
- f) members do not elect corporate officials or have any voting rights.
- g) members may attend any meetings they want to but these are not classified as membership meetings.
- h) members do not have any control over the League's expenditures or play any part in the League's operation or administration.
- i) League membership entitles the member to a free newsletter each month and other special mailings as they occur.

( See copy of League by-laws ).

The requirements for the above are not written, but have been approved by the League's board of directors.

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2. The League members get most of their information about the League through reception of the monthly newsletter, ACTION NEWS. There is no formal announcement of League member requirements.
  3. The "directive" for July 27 was sent to about 300 people on the League mailing list, chosen from our file cards by region and name. No formal list was drawn up and it would not be possible to duplicate that list. The directives were distributed by mail. Some directives went to media personnel who are on our mailing list.
  - 3a Some non-League members may have picked up the directive from League members after they received them. Any pro-life activist who received the directive was probably on the League's membership mailing list, although the directive may have been duplicated and sent to non-League member pro-life activists. Somebody may have picked up extra copies of the League directive from the League office. The directives were first distributed by mail on July 27, 1984. The directives went out in the mail simultaneously, though it is possible that some were distributed locally to people who came into the office.
  4. The League's affiliates are other pro-life activist groups who espouse the same goals as the League, but are not necessarily "members" as such because they have their own pro-life groups. We have an agreement to exchange newsletters and other special mailings with each other without considering each other as members of the other's group. One becomes an affiliate by being a pro-life activist group and showing an interest in the work of the League, and asking to be on the League's mailing list. Affiliation is very loose. About seventy-five affiliate groups were among the 300 letters sent directives.
  5. The League did not initially purchase the "existing materials." The League purchased only enough materials for one set of its own signs. The League made only one purchase of "existing materials," at a cost of approximately \$75, including fiber boards and paint.

N. B.

I am sorry not to include lists of people who recieved the directive, but this was done in a casual manner and we did not make up a master list but sent to individuals and groups whom we believed would be interested in the project we proposed. The names were picked mostly at random from our list of more than 6,000 names. It would be an inaccurate list at best and we do not want to give out names and addresses that might be inaccurate.

Respectfully in Life,

*Barbara Menes*

Barbara Menes  
Executive Secretary

cc: Matthew Gerson  
John Jakubczyk  
Edward Grant



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Edward R. Grant, Esquire  
343 S. Dearborn #1804  
Chicago, Illinois 60604

RE: MUR 1826  
Pro-Life Action League, Inc.  
and Joseph M. Scheidler, as  
Executive Director

Dear Mr. Grant:

On January 31, 1985, the Commission found reason to believe that the Pro-Life Action League, Inc. and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b. At your request, the Commission determined on , 1985, to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible. If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By: Kenneth A. Gross  
Associate General Counsel

Enclosures

cc: John J. Jakubczyk

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Edward R. Grant  
343 S. Dearborn #1804  
Chicago IL 60604

March 27, 1985

Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington DC 20463

RE: MUR 1826 (Pro-Life Action League)

Dear Mr. Gerson:

As attorney for the Pro-Life Action League, I hereby request that the Commission prepare a pre-Probable Cause conciliation agreement for review by my client.

I understand that 30 days after your receipt of this letter, a conciliation agreement will be sent for our review.

Thank you for your cooperation and assistance.

Very truly yours,

*Edward R. Grant*  
Edward R. Grant

ERG:VR

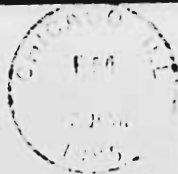
cc: Joseph M. Scheidler  
John J. Jakubczyk

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Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington DC 20463



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LCC# 889 MUR# 1826

# PRO-LIFE ACTION LEAGUE

Joseph M. Scheldler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

RE: MUR1826

March 8, 1985

Mr. John Warren McGarry  
FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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Wishing to cooperate with the Commission in this matter we herein answer your questionnaire to the best of our ability. To wit.

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  - b) People are not required to state that they want to become a member but merely ask to receive our mailings or even have their name submitted by a friend.
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( See copy of League by-laws ).

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Respectfully in Life,

*Barbara Menes*

Barbara Menes  
Executive Secretary

cc: Matthew Gerson  
John Jakubczyk  
Edward Grant

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BY-LAWS OF THE PRO-LIFE ACTION LEAGUE, INC.

ARTICLE I

Name

The name of this corporation shall be Pro-Life Action League, Inc.

ARTICLE II

Purpose

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The purposes of the corporation as stated in its certificate of incorporation are:

The promotion of the social good and welfare of the people of the community and to that end to render, without pecuniary profit to any of its members or to any person, from its funds and property or any income therefrom or accretion thereto, including but not limited to: materials, facilities, public speakers, advice, educational and informative literature worthy of public distribution, participation in forums, lectures and other educational programs dealing with questions relating to the right of each individual to life from the moment of conception to the moment of natural death, so as to inform its members and the public about said subject, assistance in promoting the right of the unborn and defenseless humans, to study and report on abortion, fetal and human medical experimentation, euthanasia and so-called mercy killings and their effects, to receive and administer funds for said purposes or any of them, either directly or indirectly, and for no other purposes; and in general to exercise any, all and every power for which a non-profit corporation organized for the promotion of the aforementioned purposes, or any of them, may exercise under the Act, or any revision thereof under which this corporation is organized but no other power. The corporation also has such powers as are now or may hereafter be granted by the General Not For Profit Corporation Act of the State of Illinois.

### ARTICLE III

#### offices

The corporation will maintain a registered office and registered agent in the State of Illinois, and may have other offices within or without the State of Illinois at the determination of the Board of Directors.

### ARTICLE IV

#### Members

SECTION 1. MEMBERSHIP. There shall only be one class of members of the corporation. The members will be the incorporators and such other persons as shall be elected by the Board of Directors. Members may be individuals, corporations, foundations, unincorporated associations or other organizations. Membership may not be transferred except by vote of the Board of Directors.

SECTION 2. VOTING. Each member shall have one vote on all matters. No voting by proxy shall be permitted.

SECTION 3. ANNUAL MEETING. An Annual meeting of the members shall be held on the first Tuesday in May of each calendar year at such time and place, either within or without the State of Illinois, as the Board of Directors shall designate.

SECTION 4. SPECIAL MEETINGS. Special meetings of the members may be called by the Chairman of the Board of Directors at such time and place, either within or without the State of Illinois, as the persons calling such meetings shall designate.

SECTION 5. NOTICE OF MEMBERS MEETINGS. Written or printed notice of a members meeting stating the place, day and hour of the meeting, and in case of a special meeting the purpose or purposes for which the meeting is called, shall be delivered personally or sent by mail to each member entitled to vote at such meeting, not less than five nor more than forty days before the day of the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope addressed to the member at his address as it appears in the records of the corporation, with

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correct postage thereon.

SECTION 6. QUORUM. A majority of the members shall constitute a quorum for the transaction of business at any meeting of the members, provided, that if less than a majority of the members are present, they may adjourn the meeting without further notice.

SECTION 7. FEES. Membership fees, in the form of initial fees, periodic dues or some other form, may be required to be paid by members by action of the Board of Directors. Such fees may differ according to the nature of the member.

SECTION 8. TERMINATION OF MEMBERSHIP. Membership in the corporation may be terminated by a two-thirds vote of the Board of Directors because of conduct on the part of the member which is deemed by the Board of Directors to be inimical to the best interests of the corporation or its purposes or because of continued failure of the member to meet the requirements of membership.

## ARTICLE V

### Board of Directors

SECTION 1. GENERAL POWERS. The affairs of the corporation shall be managed by its Board of Directors.

SECTION 2. NUMBER, ELECTION, TENURE AND QUALIFICATIONS. The number of directors shall be three. Directors shall be elected by the Board of Directors at its annual meeting. Each director shall hold office until the next annual meeting of directors and until his or her successor shall have been elected and qualified. Directors need not be residents of Illinois.

SECTION 3. REGULAR MEETINGS. A regular annual meeting of the Board of Directors shall be held on the first Tuesday in May of each calendar year, at such time and place as the chairman shall designate by written notice served on each member of the board at least five days prior thereto. The Board of Directors may provide by resolution the time and place, either within or without the State of Illinois, for the holding of additional regular meetings of the Board without other than such resolution.

SECTION 4. SPECIAL MEETINGS. ...

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Directors may be called by or at the request of the Chairman or any two directors. The person or persons authorized to call special meetings of the Board may fix any place, either within or without the State of Illinois, as the place for holding any special meeting of the Board called by them.

SECTION 5. NOTICE. Notice of any special meeting of the Board of Directors shall be given at least Four days previously thereto by written notice delivered personally or sent by mail or telegram to each director at his address as shown by the records of the corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with correct postage thereon. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Any director may waive notice of any meeting. The attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at such meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these by-laws.

SECTION 6. QUORUM. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, provided, that if less than a majority of the directors are present, they may adjourn the meeting without further notice.

SECTION 7. MANNER OF ACTING. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, except where otherwise provided by law or by these by-laws.

SECTION 8. VACANCIES. Any vacancy occurring in the Board of Directors or any directorship to be filled by reason of an increase in the number of directors, shall be filled by the Board of Directors. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.



SECTION 9. COMPENSATION. Directors as such shall not receive any stated salaries for their services, but, by resolution for the Board of Directors, may receive compensation for expenses of attendance at each regular or special meeting of the Board. Nothing herein contained shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

## ARTICLE VI

### Officers

86040611422 SECTION 1. OFFICERS. The officers of the corporation shall be a chairman, a secretary and a treasurer. The board of Directors may elect or appoint such other officers as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person.

SECTION 2. ELECTION AND TERM OF OFFICE. The officers of the corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

SECTION 3. REMOVAL. Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

SECTION 4. VACANCIES. A vacancy in any office because of death, removal, resignation, disqualification or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

SECTION 5. CHAIRMAN. The Chairman shall be the principal executive

officer of the Corporation and shall in general supervise and control all of the business and affairs of the Corporation. He shall preside at all meetings of the Board of Directors. He may sign any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors have authoirzed to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these by-laws or by statute to some other officer or agent of the corporation; and in general shall perform all duties incident to the office of Chairman and such other duties as may be prescribed by the Board of Directors from time to time.

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SECTION 6. SECRETARY. The Secretary shall keep the minutes of the meetings of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be custodian of the corporate records and the seal of the corporation and see that the seal of the corporation is affixed to all documents, the execution of which on behalf of the corporation under its seal is duly authoirzed in accordance with the provisions of these by-laws; keep a register of the post office address of each director which shall be burnished to the secretary by the director; and in general perform all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

SECTION 7. TREASURER. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for moneys due and payable to the corporation from any source whatsoever, and deposit all such moneys in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with provisions of Article IX of these by-laws; and in general perform all duties incident to the office of treasurer and other such duties as from time to time may be assigned to him by the Chairman or by the Board of Directors.

## ARTICLE VII

### Executive Director

The Board of Directors shall appoint an Executive Director who shall be paid a salary as determined by the Board of Directors. The executive director shall assume all responsibility to act on behalf of the Board of Directors in the interest of the Corporation. Such other employees as may be deemed necessary to conducting the business of the corporation may be hired by resolution of the Board of Directors. Any officer of the corporation may also hold the position of Executive Director.

## ARTICLE VIII

### Committees

SECTION 1. COMMITTEES. Committees not having and exercising the authority of the Board of Directors in the management of the corporation may be designated by a resolution adopted by a majority of the directors present at a meeting at which a quorum is present. Any member of such a committee may be removed by the person or persons authorized to appoint such a member whenever it is deemed that the best interestx of the corporation shall be served by such removal.

SECTION 2. TERM OF OFFICE. Each member of a committee shall continue as such until the next annual meeting of the Board of Directors of th corporation and until his successor is appointed, unless the committee shall be sooner terminated, or unless such member be removed from such committee, or unless such member shall cease to qualify as a member thereof.

SECTION 3. SHAIRMAN. One member of each committee shall be appointed chairman thereof.

SECTION 4. VACANCIES. Vacancies in the membership of any committee shall be filled by appointments made in the same manner as provided in the case of original appointments.

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SECTION 5. QUORUM. Unless otherwise provided in the resolution of the Board of Directors designating a committee, a majority of the whole committee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

SECTION 6. RULES. Each committee may adopt rules for its own government not inconsistent with these by-laws or with rules adopted by the Board of Directors.

## ARTICLE IX

### Contracts, checks, deposits and Funds

SECTION 1. CONTRACTS. The Board of Directors may authorize any officer or officers, agent or agents of the corporation, in addition to the officers so authorized by these by-laws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances.

SECTION 2. CHECKS, DRAFTS, ETC. All checks, drafts or other authorizations for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by such officer or officers, agent or agents of the corporation and in such manner as shall be from time to time determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments shall be signed by the treasurer or an assistant treasurer or by the Chairman of the Corporation.

SECTION 3. DEPOSITS. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board of Directors may select.

SECTION 4. GIFTS. The Board of Directors may accept on behalf of the corporation any contribution, gift, bequest or devise for the general purposes or for any special purposes of the corporation.



## ARTICLE X

### Books and Records

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its Board of Directors. All books and records of the Corporation may be inspected by any director, or his agent or attorney for any proper purpose at any reasonable time.

## ARTICLE XI

### Fiscal Year

The fiscal year of the corporation shall begin on the first day of May and end on the last day of April in each year.

## ARTICLE XII

### Seal

The Board of Directors shall provide a corporate seal which shall be in the form of the State of Illinois and shall have inscribed thereon the name of the corporation and the words "Corporate Seal, Illinois."

## ARTICLE XIII

### Waiver of Notice

Whenever any notice whatever is required to be given under the provisions of the General Not For Profit Corporation Act of Illinois or under the provision of the articles of incorporation or the by-laws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

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## ARTICLE XIV

### Amendments to By-laws

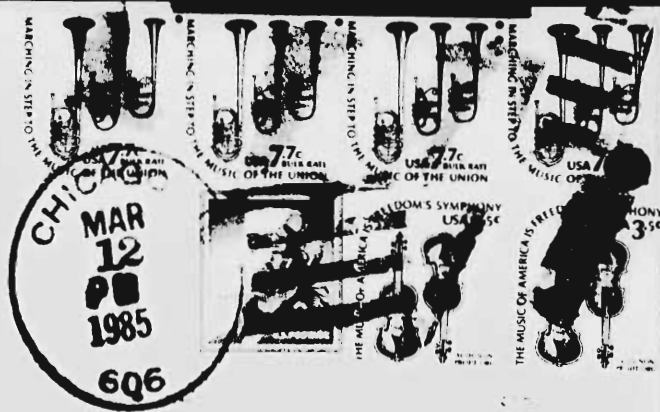
These by-laws may be altered, amended or repealed and new by-laws may be adopted by a majority of the directors present at any regular meeting or at any special meeting of the Board of Directors.

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**N. Cicero Ave. Suite 210 Chicago, IL 60646**

**N. Cicero Ave. Suite 210 Chicago, IL 60646**

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Mr. John Warren McGarry  
FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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JOHN J. JAKUBCZYK

ATTORNEY AT LAW  
10 EAST MITCHELL DRIVE  
PHOENIX, ARIZONA 85012  
(602) 234-3912

March 1, 1985

Mr. Matthew Gerson  
Federal Election Commission  
1311 K Street N.W.  
Washington, D.C. 20005

Re: M.U.R. 1826  
Pro Life Action League

Dear Mr. Gerson:

I am in receipt of a copy of a letter to Mr. Edward Grant dated February 8, 1985, from John Warren McGarry, which requests further information in the above referenced matter. He asked us to contact you with any response.

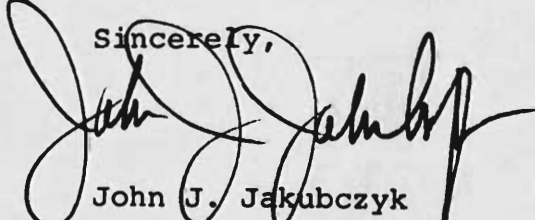
I do not understand the significance of your inquiry nor the basis for this further action. In his letter Mr. McGarry states there is "reason to believe that the Pro-Life Action League, Inc., violated 2 U.S.C. 441b." The determination was made after "it observed that people who were not league members may have received Mr. Scheidler's directive." May my client then conclude that the relevant question is - did he pass this "directive" on to non-members?

Is the FEC saying that this action would violate 441b? Has Mr. Scheidler "committed" any other act in the commission's view which violates 441b?

In asking for clarification, I am attempting to understand the nature of the commission's concerns, its reasons for pursuing this matter and the result the commission expects from its action.

With respect to the questions referenced to Mr. Scheidler, it is our position that some information is not pertinent to the issue before us.

You will probably receive a communique from Edward Grant soon. In addition, I may attempt to call you to further express my concerns. Thank you for your attention in this matter.

Sincerely,  
  
John J. Jakubczyk

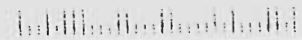
JJJ/gjc

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N J. JAKUBCZYK  
TORNEY AT LAW  
ST MITCHELL DRIVE  
NIX, ARIZONA 85012



Mr. Matthew Gerson  
Federal Election Commission  
1311 K Street N.W.  
Washington, D.C. 20005





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 26, 1985

Paige Comstock Cunningham, Esquire  
230 N. Michigan Avenue  
Suite 915  
Chicago, Illinois 60601

RE: MUR 1826

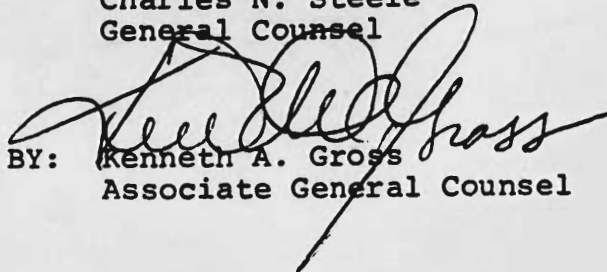
Dear Ms. Cunningham:

We have received your February 15, 1985, request to provide the Pro-Life Action League, Inc. an extension of time to respond to the Order to Submit Written Answers you received from the Commission on February 13, 1985. Although a response is due within ten days of the receipt of interrogatories, you may submit your response by March 11, 1985.

If you have any questions, please contact Matt Gerson, the staff person assigned to the matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

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Paige Comstock Cunningham, Esq.  
230 N. Michigan Avenue, Suite 915  
Chicago, IL 60601  
312-263-6709

February 15, 1985

Mr. John Warren McGarry  
Chairman  
Federal Election Commission  
Washington, D.C. 20463

ATTENTION: Matthew Gerson  
General Counsel's Office

RE: MUR 1826  
Pro-Life Action League, Inc.

Dear Mr. McGarry:

On February 13, 1985, we received your letter dated February 8, 1985, and Order to Submit Written Answers. We understand that answers are due on February 23, 1985. Due to the absence of counsel and the press of other matters, we request an extension until March 11, 1985.

Mr. Edward Grant, who is handling this matter, is out of town until March 3. Furthermore, the other attorneys in the office are unfamiliar with this case, and are additionally burdened by briefs to be filed in the Northern District of Illinois and the United States Supreme Court this month. An extension would permit Mr. Grant to review the answers and prepare other responsive materials.

I spoke with Mr. Gerson by telephone today, and he agreed to this extension.

If there is any problem with this, please contact me at (312) 263-6709.

Very truly yours,

*Paige Comstock Cunningham*

Paige Comstock Cunningham, Esq.

PCC/clb

85 FEB 19 P 3:40

RECEIVED  
GENERAL COUNSEL

85040511432

860405114333  
e Comstock Cunningham, Esq.  
N. Michigan Avenue, Suite 915  
Chicago, IL 60601



Mr. John Warren McGarry  
Chairman  
Federal Election Commission  
Washington, D.C. 20463

ATTENTION: Matthew Gerson  
General Counsel's Office



**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**February 8, 1985**

**Edward R. Grant, Esquire**  
230 No. Michigan Avenue  
Suite 915  
Chicago, Illinois 60601

**Re: MUR 1826**  
**Pro-Life Action League, Inc.**

**Dear Mr. Grant:**

The Federal Election Commission notified your client on October 25, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your explanation of this matter which was dated December 10, 1984 and a supplemental letter dated December 11, 1984. Attorney John J. Jakubczyk submitted an explanation dated December 6, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you the Commission, on January 31, 1985, determined that there is reason to believe that the Pro-Life Action League, Inc. violated 2 U.S.C. 441b of the Act. The Commission's determination was made after it observed that people who were not League members may have received Mr. Scheidler's "directive". You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this notification.

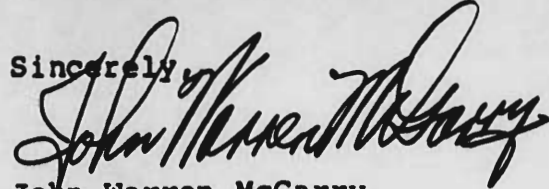
The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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Edward R. Grant, Esquire  
MUR 1826  
Page 2

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 Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry  
Chairman

Enclosures  
Procedures  
Order to Submit Written Answers  
Questions

cc: John J. Jakubczyk, Esquire

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DESCRIPTION OF PRELIMINARY PROCEDURES  
FOR PROCESSING COMPLAINTS FILED WITH THE  
FEDERAL ELECTION COMMISSION

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and assigned to a staff member. Within 5 days of receipt of a complaint, the Commission shall notify, in writing, any respondent listed in the complaint that the complaint has been filed and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received and will be acted upon. The respondent(s) shall then have 15 days to demonstrate, in writing, that no action should be taken against him/ her in response to the complaint.

At the end of the 15 days, the Office of General Counsel shall report to the Commission making a recommendation(s) based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent(s). A copy of respondent's submission shall be attached to the Office of General Counsel's report and forwarded to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act (FECA) and that the Commission will conduct an investigation of the matter; or (b) that the Commission finds no reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act (FECA) and, accordingly, that the Commission close the file on the matter.

If, by an affirmative vote of four (4) Commissioners, the Commission decides that it has reason to believe that a person has committed or is about to commit a violation of the Federal Election Campaign Act (FECA), the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for deposition, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission during its investigation.

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MUR 1826

TO: Joseph M. Scheidler  
Executive Director  
Pro-Life Action League  
6160 N. Cicero Ave.  
Chicago, Illinois 60646

Pursuant to 2 U.S.C. § 437g(a)(1), and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order.

Such answers must be submitted under oath and must be forwarded within ten days of your receipt of this Order.

WHEREFORE, the Chairman of the Federal Election Commission  
has hereunto set his hand in Washington, D.C. on this 6<sup>th</sup> day  
of February, 1985.

ington, D.C. on this 6th day

John Warren McGarry  
Chairman

**ATTEST:**

Majori w Emmons



QUESTIONS TO:

Joseph M. Scheidler  
Executive Director of the  
Respondent Pro-Life Action League, Inc.

1. How does one become a member of the Pro-Life Action League, Inc. (hereinafter "League")? State whether:

a) there are any requirements that a person pay a set amount of dues to become a League member;

b) there are any requirements that a person must affirmatively state his or her intent to become a League member before he or she would be considered a member;

c) there are any requirements concerning renewal of League membership;

d) there are any conditions whereby a person would lose his or her membership in the League;

e) members play any active part in the operation or administration of the corporation;

f) members elect corporate officials or have any voting rights;

g) members have an opportunity to attend membership meetings;

h) members have control over the League's expenditures or play any part in the League's operation or administration;

i) there are any other requirements for, or rights of, League membership.

For each of the above, describe the requirements and conditions in complete detail, including whether each requirement or condition is written and/or had been approved by the League's Board of Directors. Please provide a photocopy of any written requirements for League membership. Please provide a complete copy of the League's Bylaws.

2. For each requirement and condition described in response to 1a-1i above, state whether members and potential League members are notified of these requirements and conditions, and the manner in which they are notified.

3. Please provide a complete list of the people or groups that received Mr. Scheidler's directive dated July 27, 1984 ("directive"). How were the directives distributed?

3a. Mr. Scheidler's directive is addressed, "Dear Pro-Life Activist;" Did any non-League members who are Pro-Life Activists receive the directive? Did any non-League members receive the directive? When were the directives first distributed? Were all the directives distributed simultaneously?

4. Attorney Edward Grant stated in his letter to the General Counsel's Office that the communications engaged in by the respondent League were made, "exclusively to members and

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affiliates of the League, not to the general public." What are the League's affiliates? How does one become a League "affiliate"? Please discuss League affiliates addressing the questions raised in questions 1a-1i above. Please provide a detailed list of the affiliates that received the communication.

5. In Mr. Scheidler's response to the Commission dated November 1, 1984, he states, "signs were most often made with existing materials by volunteers at various Ferraro appearances." Did the League initially purchase the "existing materials"? How often was it necessary for the League to purchase new materials? How much did those new materials cost?

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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**MEMORANDUM TO:**

**CHARLES N. STEELE**  
**GENERAL COUNSEL**

**FROM:**

**MARJORIE W. EMMONS/JODY C. RANSOM**

**DATE:**

**FEBRUARY 6, 1985**

**SUBJECT:**

**ORDER RE: MUR 1826**

The attached order, which was Commission approved on January 31, 1985 by a vote of 4-1, has been signed and sealed this date.

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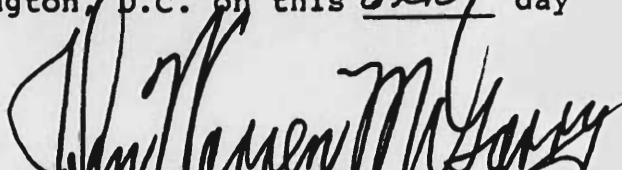
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**MUR 1826**

TO: Joseph M. Scheidler  
Executive Director  
Pro-Life Action League  
6160 N. Cicero Ave.  
Chicago, Illinois 60646

Such answers must be submitted under oath and must be forwarded within ten days of your receipt of this Order.

ington, D.C. on this 6th day

  
John Warren McGarry  
Chairman

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Pro-Life Action League, Inc.  
Joseph M. Scheidler, Executive  
Director

MUR 1826

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 31, 1985, the Commission decided by a vote of 4-1 to take the following actions in MUR 1826:

1. Find reason to believe that the Pro-Life Action League, Inc., and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.
2. Approve the Order to Submit Written Answers and the questions attached to the First General Counsel's Report signed January 25, 1985.
3. Approve the letters attached to the First General Counsel's Report signed January 25, 1985.

Commissioners Elliott, Harris, McDonald and Reiche voted affirmatively in this matter; Commissioner Aikens dissented and Commissioner McGarry did not cast a vote.

Attest:

1-31-85

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary: 1-28-85, 2:08  
Circulated on 48 hour tally basis: 1-29-85, 11:00

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**SENSITIVE**

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

RECEIVED  
OFFICE OF THE FEC  
COMMISSION SECRETARY

**FIRST GENERAL COUNSEL'S REPORT**

NOV 28 1984 2:08

DATE AND TIME OF TRANSMITTAL

BY OGC TO THE COMMISSION: 1/28/85 - 2:10

MUR 1826

DATE COMPLAINT

RECEIVED BY OGC:

October 19, 1984

DATE OF NOTIFICATION TO  
RESPONDENT:

October 25, 1984

STAFF MEMBER: Matt Gerson

COMPLAINANT'S NAME: National Abortion Rights Action League, Inc.

RESPONDENT'S NAME: Pro-Life Action League, Inc.  
Joseph M. Scheidler, Executive Director

RELEVANT STATUTES: 2 U.S.C. § 441b  
2 U.S.C. § 441b(b) (4) (A)  
2 U.S.C. § 441b(b) (4) (c)  
26 U.S.C. § 9012(f)  
11 C.F.R. § 114.1(e)  
11 C.F.R. § 114.3(a)

RELEVANT ADVISORY OPINIONS: 1977-67  
1983-43  
1984-13  
1984-14

RELEVANT CASES: FEC v. National Right to Work  
Committee,  
103 S.Ct. 552 (1982).

INTERNAL REPORTS CHECKED: Public Documents including MURS 1604,  
1765 and 1823

FEDERAL AGENCIES CHECKED: None

**SUMMARY OF ALLEGATIONS**

On October 19, 1984, the National Abortion Rights Action League (hereinafter "NARAL"), through its counsel, Gail M. Harmon, filed a complaint with the Federal Election Commission alleging that the Pro-Life Action League, Inc. (hereinafter "League") and its executive director, Joseph Scheidler, violated 2 U.S.C. § 441b by making

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partisan communications in connection with a federal election beyond the corporation's solicitable class. Complainant also alleges that the League violated 26 U.S.C. 9012(f) by contributing to Ronald Reagan's federally financed Presidential campaign. Finally, NARAL raised the question whether some of the League's activity was coordinated with the President's campaign staff and, thus, not "independent."<sup>1/</sup>

Mr. Scheidler responded on November 5, 1984. On December 10, 14 and 17, 1984, the League's attorneys responded. One of the League's two attorneys sent a copy of his response to the complainant's counsel and, as a consequence, complainant's counsel addressed that response in a December 14, 1984 letter to the General Counsel's Office.

Factual and Legal Analysis

On July 27, 1984, the Executive Director of Pro-Life Action League, Inc., Joseph M. Scheidler, distributed a directive outlining methods for demonstrating against Walter Mondale and Geraldine Ferraro during the Democratic candidates' campaign stops. Mr. Scheidler's methods involve an organized group of demonstrators spelling out slogans by holding aloft individual letters in a synchronized verbal and visual display. The

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<sup>1/</sup> NARAL's complaint requested injunctive relief to prevent the League from continuing its alleged misuse of corporate funds. On November 2, 1984, the Commission determined that there was insufficient evidence to warrant the Commission's seeking such relief.

recommended slogans state, "Ferraro and Fritz back abortion," or "Life Yes, Ferraro No." After the last letter is displayed, the group is advised to chant, "Life Yes, abortion no! . . . Life yes, Ferraro no! . . . Life yes, abortion no! . . . Life yes, Fritz no! . . . " The directive, printed on League letterhead, began "Dear Pro-Life Activist" and encouraged anti-abortion groups to participate in, "a carefully coordinated plan to defeat [the Mondale-Ferraro ticket]."

The League, an Illinois Not-for-Profit corporation, may not make contributions or expenditures in connection with any federal election. 2 U.S.C. § 441b. While the regulations permit a corporation to make partisan communications in connection with a federal election to a carefully defined class of members, stockholders and employees, no corporation may make expenditures for partisan communications to the general public.

11 C.F.R. § 114.3(a). Thus, if the League's communications were partisan, and if the League distributed their message beyond its membership, it may have violated the Act.

#### Partisan Communications

Communications favoring one candidate over another in the context of an election indicate an election-influencing purpose and, thus, are partisan. AO 1983-43 and 1984-14. The League maintains that they sought to educate the general public about

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the pro-abortion positions of Mr. Mondale and Mrs. Ferraro. Counsel states, "there was no mention of preference for any other political candidate in any of the communications--merely an unambiguous conveyance of accurate information, based upon Congressional voting records and party platforms." See Attachment 1. Executive Director Scheidler states that he was not advocating Mondale-Ferraro's political defeat; rather, he was trying to defeat Mr. Mondale's attempt to gain the Catholic vote and defeat Mrs. Ferraro's attempt to sell herself as pro-life by saying she is personally opposed to abortion. See Attachment 2.

The General Counsel's Office sees no merit in these arguments. A review of Mr. Scheidler's directive reveals an election-influencing purpose. The letter begins,

A meeting of Pro-Life activists  
agreed. . . that we would demonstrate  
against the pro-abortion Democratic  
candidates for the top offices.

As mentioned above, Pro-Life activists are encouraged to participate in a, "carefully coordinated plan to defeat [the democratic candidates for the top offices]." Mr. Scheidler contends that the League, "will picket all Ferraro-Fritz appearances." The instruction sheet attached to Mr. Scheidler's directive is similarly biased.

The League's materials clearly disfavor Democratic candidates Mondale and Ferraro. The literature derides their positions, advocates the disruption of their attempts to address fully these and other issues, expresses editorial opinions concerning the issue presented, i.e., "Life yes, Ferraro no," and

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incompletely categorizes their voting records by reducing them to a few words. See A.O. 1984-14. The League's letter is, therefore, a partisan communciation.

Recipients of the Leagues Communication

A Detroit Free Press article discussing the League's endeavor states that the letter was mailed to "members". The same article also states that the League's Michigan director, "passed out copies of the letter." At various other places, the recipients are referred to as anti-abortion "groups", "activists" and "allies". The League's counsel states that the communciation was directed exclusively to members of the Pro-Life Action League and "affiliates".

There is no way of knowing whether all the recipients are actually within the League's solicitable class. Generally, as to a corporation, the solicitable class includes the corporation's stockholders its executive and administrative personnel and their respective families. 2 U.S.C. 441b(b)(4)(A). An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, or a separate segregated fund established by a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock. The term "member" is defined at 11 C.F.R. § 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock. A person is not considered a member under this definition if the only requirement for membership is a contribution to a separate segregated fund. Id.

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In addition to its regulation defining "member," the Commission's advisory opinions addressing a corporation's contribution solicitation elaborate on the factors that will support an organization's claim to the membership exception. In Advisory Opinion 1977-67 the Commission stated that 2 U.S.C. § 441b(b)(4)(C) and 11 C.F.R. § 114.1(e) assume that, "there are, in fact, requirements for membership in the organization." The Commission concluded that, "a person can only be considered a member of an organization if he or she knowingly has taken some affirmative steps to become a member of the organization." The Commission elaborated further by stating that, "the solicitation of political contributions from members of an organization derive from the special relationship that the organization has to its members (see the remarks of Representative Hansen, 117 Cong. Rec. 43380) and accordingly, the membership relationship must be evidenced by the existence of rights and obligations vis-a-vis the corporation" (emphasis added). The Commission also considered the existence of a "predetermined minimum amount for dues or contributions as a prerequisite to claiming the membership exception under 2 U.S.C. § 441b(b)(4)(C)." See A.O. 1977-67.

The Supreme Court in FEC v. National Right to Work Committee, 103 S.Ct. 552 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock.



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The Court concluded that, "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." In addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letters made "no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and there was no indication that the asserted members exercised any control over the expenditure of their contributions caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'," under 2 U.S.C. § 441b(b)(4)(C). FEC v. NRWC, 103. S.Ct. at 558.

The precedents outlining the criteria for membership with regard to contribution solicitations are apposite in determining the group to whom corporations may distribute partisan communications. See MUR 1823. Despite the fact that the complainant provided a copy of the League's Articles of Incorporation, the terms and conditions of League membership are not known. It is the Office of the General Counsel's conclusion that the Commission should find reason to believe and pose questions to the League in order to find out whether anti-abortion "groups", "activists", "allies," or League "affiliates" are "members" according to the Commission's criteria.

Regardless of the letter recipients' relation to the corporation, it appears that the corporation sent an anti-



Mondale-Ferraro communication to the general public. The League's letter states, "we have used this method (of demonstrating against Mondale-Ferraro) on a number of occasions. . . . It gets good crowd response and media attention . . . . " The fact that the League admittedly used this public technique on a "number of occasions" suggests that the League may have used corporate money to send a message beyond the restricted class each time it held up partisan signs at a public rally.

Mr. Scheidler's response acknowledges that the League spent \$474.25, "to keep the abortion issue alive during the 1984 campaign." He adds, "signs were most often made with existing materials by volunteers at various Ferraro appearances." If those existing materials were originally purchased by the corporation, it appears that the corporation spent money in connection with a federal election and violated 2 U.S.C. 441b.

#### Additional Allegations

Complainant alleges that the League violated 26 U.S.C. 9012(f)(1). This provision prohibits expenditures in excess of \$1,000 by, "any political committee which is not an authorized committee with respect to the eligible candidates of a political party for President and Vice President in a Presidential election," which would constitute qualified campaign expenses if incurred by the candidate's authorized committee. Regardless of whether the League is a political committee, Mr. Scheidler's November 1, 1984 letter states that the League did not incur

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expenditures in excess of \$1,000.<sup>2/</sup> Therefore, this Office does not believe that there is sufficient evidence to substantiate this allegation at this time.

Finally, complainant alleges that the League's expenditures were coordinated with the White House or the Republican Party and, thus, were not "independent expenditures." This allegation is based on news reports such as that in the Detroit Free Press which stated:

NBC quoted Republican sources as saying the White House was orchestrating some of the anti-abortion picketing. Republican officials have denied involvement.

The article goes on to state that Reagan campaign officials suspected that seminars conducted by a former White House aide at the Washington-based Leadership Institute may have "stimulated the heckling." However, the campaign officials added that they, "had no control over the young activists who attended the seminars." It is noteworthy that each assertion is refuted by Republican officials and there is no specific reference to a connection between the League's demonstrations and the demonstrations reportedly orchestrated by Republican officials.

<sup>2/</sup> Under the Presidential Election Campaign Fund Act, the term "political committee" means, "any committee, association, or organization (whether or not incorporated) which accepts contributions or makes expenditures for the purpose of influencing, or attempting to influence, the nomination or election of one or more individuals to Federal, State, or local elective public office." 26 U.S.C. § 9002(9). 11 C.F.R. § 9002.9 contains an exception to this political committee definition for the purposes of § 9012(f). The regulation states that for the purposes of § 9012(f), the term political committee shall be defined in accordance with 11 C.F.R. § 100.5 a more narrow definition of political committee.

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A Washington Post article states that:

Scheidler and his group made an attempt to coordinate activities with the Republican Party when Ferraro made a trip to Chicago. "We called the local Republican office to see if they had any young Turks to help us out, but they didn't", he said.

While Mr. Scheidler attempted to work with Republican organizations, it does not appear that he was able to do so. Counsel asserts in a December 6, 1984 response, "there was no coordination of any efforts (sic)." See Attachment 3. Therefore, this Office is of the opinion that the activities were not coordinated.

#### RECOMMENDATIONS

1. Find reason to believe that the Pro-Life Action League, Inc., and Joseph M. Scheidler, as Executive Director, violated 2 U.S.C. § 441b.
2. Approve the attached Order to Submit Written Answers and the questions attached thereto.
3. Approve the attached letters.

Charles N. Steele  
General Counsel

January 25, 1985  
Date

By:

Kenneth A. Gross  
Associate General Counsel

#### Attachments:

1. December 10 and 11, 1984 letters from attorney Edward R. Grant to the General Counsel's Office.
2. November 1, 1984 letter from Joseph M. Scheidler, the Pro-Life Action League, Inc.'s Executive Director, to the General Counsel's Office.
3. December 6, 1984 letter from attorney John J. Jakubczyk to the General Counsel's Office.
4. Order to Submit Written Answers.
5. Questions to Joseph M. Scheidler.
6. Letter to respondent.

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RECEIVED AT THE FEC  
GCC #5937  
84 DEC 12 AB: 50

Edward R. Grant  
230 N. Michigan  
Suite 915  
Chicago IL 60601

Dec. 10, 1984

Matthew Gerson, Esq.  
Federal Election Commission  
Washington DC 20463

RE: MUR 1826

Dear Mr. Gerson:

On behalf of respondent, Pro-Life Action League ("respondent"), I am filing this letter as a preliminary response to the complaint set forth in the letter of Gail M. Harmon, Esq., dated October 18, 1984, filed by the Commission as MUR 1826. For the sake of convenience, I have organized this response under two sections, Facts and Legal Argument.

This letter is to be read in conjunction with the November 1, 1984 letter of Mr. Scheidler, attached hereto as Exhibit 2.

#### Facts

Respondents answer the corresponding paragraphs of the complaint of the National Abortion Rights Action League (NARAL).

1. Admitted that respondent is a not-for-profit corporation incorporated in Illinois. Admitted that respondent is not registered as a political committee or separate segregated fund.

2. None of the allegations of this paragraph bear any relevance whatever to an alleged violation of the Federal Election Campaign Act or any regulation promulgated thereunder, and hence, no response is required. Respondent further answers by moving that all allegations of this paragraph be stricken as made in bad faith with deliberate intent to mislead the Commission. As of date of filing of this response, respondent has not published any book entitled: "Closed: 99 Ways to Shut Down An Abortion Clinic." Since this book has not yet been published, it is impossible for it to have "encourage[d]" virulent demonstrations, or to have been "associated" with any acts of violence, including bombings. Moreover, if this paragraph is taken to refer to other activities of respondent, it is vigorously denied that respondent has ever encouraged any act of violence.

3. Denied as stated. The authenticity of the July 27, 1984 letter of Joseph M. Scheidler, marked as respondent's Exhibit 1, is stipulated to by respondent, and speaks for itself. Any further allegations of this paragraph are entirely irrelevant to an alleged violation of the Federal Election Campaign Act.

4. Denied. The allegations that the costs of respondent's communications regarding demonstrations against Mondale and Ferraro "must be substantial" are entirely conjectural. Not a single fact or piece of evidence is cited; complainant's factual assertions are all preceded by the modifier "presumably," thus proving their speculative nature.

5. The allegations of this paragraph are irrelevant to the matter under review. Moreover, these allegations are denied as stated. Both Walter Mondale and Geraldine Ferraro ran on the Democratic Party platform calling for preservation of the current legal status of abortion, and both repeatedly defended that position during that campaign. The platform of the Republican Party, on the other hand, called for enactment of a Human Life Amendment to the United States Constitution.

#### Legal Argument

As demonstrated by the foregoing refutation of complainant's "Facts," complainant has attempted to buttress a spurious claim of election law violations by a series of irrelevant, ad hominem attacks upon the character and motivations of respondent. Close examination of the complainant's legal argument reveals that this claim is meritless and ought to be dismissed by the Commission without further review.

Complainant has failed in the most essential element of the case it must establish: that a corporation, in this case, respondent, has made partisan communications to the general public in connection with a federal election. The issue of abortion was undoubtedly central to the 1984 election campaign, as evidenced by the diametrically opposed positions taken in the platforms of the two major political parties. However, abortion is not an issue confined to presidential politics, or even federal elections in general. It is an important social and religious issue as well, an issue in which Representative Ferraro has long taken an outspoken position. Ferraro's appointment to the Democratic Party's national ticket gave wider circulation to her views on this subject. In respondent's view, there was considerable confusion caused by Representative Ferraro's oft-stated position that she is "personally opposed" to abortion, but in favor of legalized abortion-on-demand and public funding thereof. Accordingly, as the evidence clearly establishes, respondent made a modest effort to communicate the simple message that the candidates of the Democratic Party, including Representative Ferraro, support legalized abortion. There was no mention of preference for any other political candidate in any of these communications—merely an unambiguous conveyance of accurate information, based upon Congressional voting records and party platforms.

The reference to a plan to "defeat" Mondale and Ferraro must be considered in the context of the goal of education as to the true stance of these candidates regarding abortion. Clearly, it would be of no moment to any major

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candidate to discover the existence of a "carefully coordinated plan to defeat" their electoral bid. These candidates were obviously aware that their partisan opponents, the Republicans, were engaged in just such a "plan." What respondents sought to "defeat" in this case was Mondale-Ferraro's attempt to create an impression that they did not fully support legalized abortion. (See Letter to Matthew Gerron, Esq., attached hereto as Exhibit 2.)

The respondent's selection of the Democrats as targets for demonstration is of no relevance to this complaint, absent proof of collaboration with the campaign of another candidate. Evidence of such collaboration is entirely lacking, and the innuendoes raised by claimants from press reports relying on hearsay evidence do not merit an investigation by the Commission of this question. The only "evidence" in this regard is one phone inquiry made by Mr. Scheidler to a local Republican campaign office. Moreover, keeping in mind that this complaint concerns an allegation of illicit corporate expenditure, the issue of whether the activity of Mr. Scheidler as an individual was "independent" of the Republican campaign is a red herring and wholly irrelevant. No clear allegation of illegal independent expenditure on behalf of any candidate is made by NARAL's letter, and even if such an allegation can be imputed from the text, it is wholly unsupported by facts or legal argument.

Furthermore, NARAL's contention that respondent should have picketed Vice-President Bush, or engaged in "a civilized dialogue" demonstrates the vacuity of their legal argument. The Federal Election Campaign Act, however broad its reach, has utterly no jurisdiction over the content of political speech.

In summary, at issue here is the expenditure of a total of \$474.25 in corporate funds of the respondent for the purpose of advising private citizens and associations regarding their rights to demonstrate and communicate in forums of the most public variety: political campaign appearances. As an adjunct to its long-standing campaign to fight abortion on the private and social level, the respondent advised citizens regarding peaceful demonstration tactics when the issue of abortion was interjected into the presidential campaign. However, respondent's minimal expenditure was not made on behalf of any political candidate or party, but merely on behalf of the anti-abortion cause and those it seeks to protect.

Respectfully submitted,

*Edward R. Grant*

Edward R. Grant  
230 No. Michigan Ave.  
Suite 915  
Chicago, IL 60601  
312/263-6709

cc: Joseph M. Scheidler  
Gail M. Harmon, Esq.

Attorney for Respondent  
Pro-Life Action League

Enclosures (2)

86040311455



**Attorney for Pro-Life Action League**

# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 8160 N. Cicero Ave. Chicago, IL 60648 Office (312) 777-2900 Newsline (312) 777-2525

November 1, 1984

Charles N. Steele  
General Counsel  
Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Attn: Matthew Gerson  
Subj: MUR 1826

Dear Mr. Gerson,

Thank you for your letter of October 25 notifying me that on October 19 the Commission received a complaint from the National Abortion Rights Action League alleging that the Pro-Life Action League violated sections of the Federal Election Campaign Act of 1971.

I would like to demonstrate that no action should be taken against the Pro-Life Action League in connection with this matter and hope this complaint will be dismissed for lack of merit.

I am going to be represented by counsel in this matter and have so advised the Commission by sending the letter of presentation. My counsel will want to receive all communications from the Commission.

Regarding the facts as presented by NARAL, I submit that the Pro-Life Action League has not published a book entitled: CLOSED: 99 Ways to Shut Down the Abortion Industry. This book is in the process of being written, and will be published sometime in early 1985. Nobody but the publisher has seen copy, and there is nothing in it that encourages "often virulent demonstrations." Nor has it been "associated with bombings and other acts of violence against medical clinics which provide abortion services." There is a chapter on "Violence. Why It Won't Work." The "facts" as put forth by NARAL in this paragraph are fiction.

The suggestion that our pickets of Geraldine Ferraro because of her pro-abortion stand has cost a great deal of money is also untrue. The total amount spent on our efforts to keep the abortion issue alive during this campaign has been as follows:

Flier on how to picket.....	\$ 31.20
Letter to accompany flier.....	17.00
Envelopes.....	10.00
Postage to send flier.....	50.00
Ferraro Position Paper.....	41.00
Ferraro flier (Donhaue Show).....	23.05
Trip to New York (7/30/84).....	238.00
Long Distance calls.....	64.00

\$474.25 TOTAL EXPENSES

Once the flier and its accompanying letter explaining the program to be followed was sent, only a few calls had to be made to promote the undertaking. For the most part people called our office to report their plans. Signs were most often made with existing materials by volunteers at various Ferraro appearances.

NARAL interprets a statement in my letter of July 27, 1984, that the candidates will see a carefully coordinated plan "to defeat them," to allude to their political defeat. It never occurred to us that there was any question about the political defeat of the Mondale-Ferraro ticket. The defeat I am addressing is Mondale's plan to win the Catholic vote by selecting a "Catholic" like Ferraro and the defeat of Ferraro's attempt to sell herself as "pro-life" merely by saying she is personally opposed to abortion.

The purpose of the Mondale-Ferraro demonstrations was to make abortion a major campaign issue by challenging the candidates' positions. If bringing up the abortion issue at gatherings was enough to "defeat" the candidates, that would contradict the abortionists theory that the majority of Americans favor abortion. Pointing out the Mondale-Ferraro pro-abortion stand would only help them, not "defeat" them.

NARAL suggests that we should picket Vice-President George Bush and President Reagan, since they supported abortion in the past. As a matter of fact, we did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980 because of his stand on abortion that allowed for exceptions, though he never supported federal funding of abortion.

We also picketed President Reagan when he nominated in July 1981, Sandra Day O'Connor to the U. S. Supreme Court. Mrs. O'Connor had a pro-abortion voting record dating from her time in the Arizona legislature and we feared President Reagan had not considered this in making his selection. We were subsequently satisfied that this was a wise selection.

We have been fully satisfied with President Reagan's pro-life stand, and are impressed with Vice-President Bush's new stand on the abortion issue, which, while not fully satisfactory, is much closer to the President's than it was formerly. By his own admission in the Vice-Presidential debates he is comfortable with the President's stand on abortion.

These are my comments on the facts as presented by NARAL's attorneys. I will allow my attorney to address the legal issue.

Respectfully in Life,



Joseph M. Scheidler  
Executive Director

JOHN J. JAKUBCZYK

ATTORNEY AT LAW  
10 EAST MITCHELL DRIVE  
PHOENIX, ARIZONA 85012  
(602) 234-3812

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December 6, 1984

Matthew Gerson  
Federal Election Commission  
1311 K Street, N.W.  
Washington, D.C. 20005

Re: The MVR 1826

Dear Mr. Gerson:

Please be advised that I am one of the attorneys expected to respond to the rather strained allegations made by a Ms. Gail Harmon on behalf of the National Abortion Rights Action League against the Pro Life Action League.

I apologize for the timeliness of this letter but I had anticipated further information from your office.

LAW

As you are well aware, 2 U.S.C. 441(b) states, in part, that it is "unlawful for . . . any corporation . . . to make a contribution or expenditure in connection with any election to any public office . . . "

The Pro Life Action League made no contributions in connection with any election to public office. The League did, however, educate the general public of the pro-abortion position of two candidates for the offices of President and Vice President. This is consistent with their stated purpose. (See: Purpose of Corporation, Sec. 5.)

The Complainant has shown no "connection" between the stated purpose of the Pro Life Action League which is to educate people about abortion and any violations of 2 U.S.C. 441(b).

A review of the definition of contribution or expenditure further supports my clients' position. No contributions were made directly or indirectly to the Republican campaign. Further, there was no co-ordination of any efforts.

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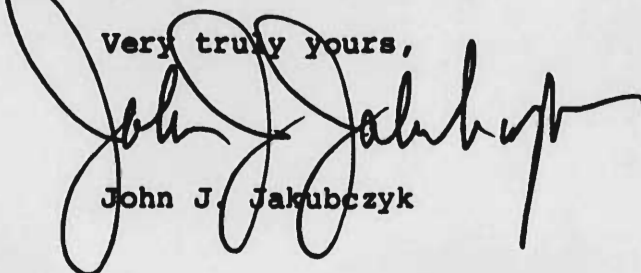
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Matthew Gerson  
December 6, 1984  
Page Two

The First Amendment to the U.S. Constitution allows freedom of speech. My client and those individuals who work to educate the public about abortion used a valid vehicle for said education - the election campaign. As a result of efforts by my client, the public was better informed on this "non-partisan" issue.

As Mr. Scheidler has already stated, the Complainant's letter is replete with factual errors and inappropriate conclusions. It is respectfully requested that you decline this complaint, dismissing it summarily.

Very truly yours,

A large, stylized handwritten signature in dark ink, appearing to read 'John J. Jakubczyk'.

John J. Jakubczyk

JJJ/lbg  
cc: Joseph M. Scheidler

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**MUR 1826**

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QUESTIONS TO:

Joseph M. Scheidler  
Executive Director of the  
Respondent Pro-Life Action League, Inc.

1. How does one become a member of the Pro-Life Action League, Inc. (hereinafter "League")? State whether:

a) there are any requirements that a person pay a set amount of dues to become a League member;

b) there are any requirements that a person must affirmatively state his or her intent to become a League member before he or she would be considered a member;

c) there are any requirements concerning renewal of League membership;

d) there are any conditions whereby a person would lose his or her membership in the League;

e) members play any active part in the operation or administration of the corporation;

f) members elect corporate officials or have any voting rights;

g) members have an opportunity to attend membership meetings;

h) members have control over the League's expenditures or play any part in the League's operation or administration;

i) there are any other requirements for, or rights of, League membership.

For each of the above, describe the requirements and conditions in complete detail, including whether each requirement or condition is written and/or had been approved by the League's Board of Directors. Please provide a photocopy of any written requirements for League membership. Please provide a complete copy of the League's Bylaws.

2. For each requirement and condition described in response to 1a-1i above, state whether members and potential League members are notified of these requirements and conditions, and the manner in which they are notified.

3. Please provide a complete list of the people or groups that received Mr. Scheidler's directive dated July 27, 1984 ("directive"). How were the directives distributed?

3a. Mr. Scheidler's directive is addressed, "Dear Pro-Life Activist;" Did any non-League members who are Pro-Life Activists receive the directive? Did any non-League members receive the directive? When were the directives first distributed? Were all the directives distributed simultaneously?

4. Attorney Edward Grant stated in his letter to the General Counsel's Office that the communications engaged in by the respondent League were made, "exclusively to members and

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affiliates of the League, not to the general public." What are the League's affiliates? How does one become a League "affiliate"? Please discuss League affiliates addressing the questions raised in questions 1a-1i above. Please provide a detailed list of the affiliates that received the communication.

5. In Mr. Scheidler's response to the Commission dated November 1, 1984, he states, "signs were most often made with existing materials by volunteers at various Ferraro appearances." Did the League initially purchase the "existing materials"? How often was it necessary for the League to purchase new materials? How much did those new materials cost?

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Edward R. Grant, Esquire  
230 No. Michigan Avenue  
Suite 915  
Chicago, Illinois 60601

Re: MUR 1826  
Pro-Life Action League, Inc.

Dear Mr. Grant:

The Federal Election Commission notified your client on October 25, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your explanation of this matter which was dated December 10, 1984 and a supplemental letter dated December 11, 1984. Attorney John J. Jakubczyk submitted an explanation dated December 6, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you the Commission, on , 1985, determined that there is reason to believe that the Pro-Life Action League, Inc. violated 2 U.S.C. 441b of the Act. The Commission's determination was made after it observed that people who were not League members may have received Mr. Scheidler's "directive". You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such materials, along with your answers to the enclosed questions, within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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Edward R. Grant, Esquire  
NUR 1826  
Page 2

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 Matthew Gerson, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

Enclosures  
Procedures  
Order to Submit Written Answers  
Questions

cc: John J. Jakubczyk, Esquire

86040511465



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

January 4, 1985

Edward R. Grant, Esquire  
230 N. Michigan Avenue  
Suite 915  
Chicago, Illinois 60601

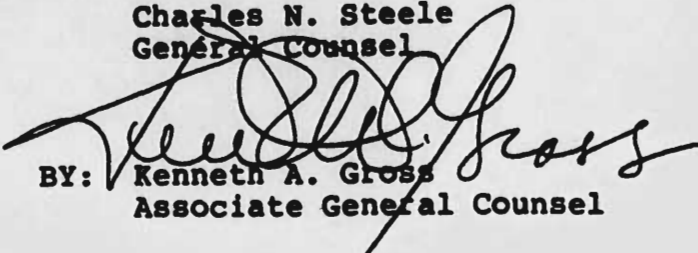
RE: MUR 1826

Dear Mr. Grant:

On December 12, 1984, the General Counsel received the first of the two responses that you filed with the Commission on behalf of the Pro-Life Action League. It appears that you provided a photocopy of that response to Ms. Gail M. Harmon, attorney for the complainant National Abortion Rights Action League. Enclosed please find a photocopy of Ms. Harmon's comments on your response.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure

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HARMON, WEISS & JORDAN

2001 S STREET, N.W.

SUITE 430

WASHINGTON, D.C. 20009

GAIL MCGREEVY HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
DIANE CURRAN  
DEAN R. TOUSLEY

TELEPHONE  
(202) 328-3500

December 14, 1984

Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 1826

Dear Mr. Gerson,

Mr. Edward Grant wrote to you on December 11, 1984 stating that the communication by the Pro Life Action League which was the subject of MUR 1826 was made "exclusively to members and affiliates (whatever those are) of the League".

In that connection, please note that the Articles of Amendment filed with the Illinois Secretary of State and attached to the complaint state that there are no members which have voting rights regarding such amendments and also note that the original Articles of Incorporation do not refer to members. Interestingly, the communication in question was not addressed to "members". I trust the Commission will investigate thoroughly whether or not the communication in question went to members of the Pro Life Action League, as the term "member" is defined by Commission regulations and advisory opinions.

While I had not originally planned to respond to Mr. Grant's letter of December 10, 1984, I have decided to respond to two points.

First, I wish to call your attention again to the plain language of the second paragraph of Mr. Schiedler's letter of July 27, 1984. It speaks of sending "a chilling message to the candidates that there is a carefully coordinated plant to defeat them." Emphasis supplied. Mr. Grant argues that these words describe a plan, not to defeat candidates, but to dispel an impression about the candidates' beliefs regarding abortion. His argument attempts to distort the plain meaning of otherwise unambiguous words; it strains the credulity of the Commission.

Second, he asks that the second paragraph of the complaint be stricken because of bad faith and a deliberate attempt to mislead. Instead, I believe you will find that while such matters as violence against abortion clinics are beyond the reach of the Commission's jurisdiction, the allegations reflect a commonly held view of Mr. Schiedler's activities.

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HARMON, WEISS & JORDAN

Matthew Gerson, Esq.  
December 14, 1984  
Page 2

While Schiedler's book may not have been published as of the date of the complaint, NARAL had reviewed the enclosed table of contents of the book, attempted to obtain a copy and never had been told that it had not yet been published.

Despite the implication of Mr. Grant's denial, we carefully did not accuse Mr. Schiedler of encouraging acts of violence; instead we stated that virulent demonstrations such as those encouraged by Mr. Schiedler have been associated with violent attacks on abortion clinics.

Obviously, the Federal Election Commission is not going to investigate and make a factual determination as to whether or not Mr. Schiedler's rhetoric is associated with or causes clinic violence. However, to demonstrate that suggestion is not based on bad faith or an intention to mislead, I am enclosing copies of two interesting articles. The first, a nationally syndicated column, quotes Schiedler saying that he doesn't condemn the bombers and proceeds to praise them by equating them with destroyers of Nazi concentration camps. The second, written by an anti-abortion activists and former chair of his former employer, Friends for Life, explains how the media and the public might associate him with violent attacks against clinics. (See p. 15, p. 3 of the enclosed article.)

Despite the emotional rhetoric which overlays the abortion issue, I trust the Commission can focus on whether or not corporate funds were used to defeat federal candidates.

Sincerely,

  
Gail M. Harmon

Enclosure

86040511458

DEC 13 1984

Edward R. Grant, Esq.  
230 N. Michigan Ave.  
Suite 915  
Chicago, Ill. 60601  
312-263-6709

December 11, 1984

Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826 (NARAL)

Dear Mr. Gerson:

This letter is to follow my letter of December 10, 1984, in the above-captioned matter. I just this day received copies of the two advisory opinions cited in the complaint letter of the National Abortion Rights Action League in this matter, and would like to take this opportunity to comment briefly upon this citation of authority.

The communications engaged in by the respondent, Pro-Life Action League, in this matter were made exclusively to members and affiliates of the League, not to the general public. Complainant has not cited to any expenditure incurred by respondent in communicating a message to the public.

As such, the expenditures incurred by respondent in this matter fall outside the jurisdiction of the Federal Election Campaign Act. In AO 1983-43, United States Defense Committee, the Commission stated:

With respect to USDC's proposal to compile and disseminate information to the general public concerning the voting records of incumbent Federal officeholders on specific legislation, the Commission notes that as a membership corporation, USDC is permitted to make partisan communications with its members.

AO 1983-43 at 3 (Emphasis supplied).

Therefore, whether or not the letter of Mr. Scheidler in July, 1984 is interpreted to be a "partisan" communication is irrelevant. Since the communication was directed exclusively to members of the Pro-Life Action League and affiliates, expenditures for that communication cannot constitute a violation of 2 U.S.C. §441(b).

Thank you for your consideration of this addendum to the response of the Pro-Life Action League.

Very truly yours,

*Edward R. Grant*

Edward R. Grant  
Attorney for Pro-Life Action League

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## CHAPTER TITLES:

1. The Sit-In
2. Truth Teams
3. The Picket & Demonstration
4. Leafleting
5. Rallies, Marches
6. Counter-Demonstrations
7. Removal of Abortion Ads
8. Placing Pro-Life Ads
9. TV & Radio Editorial Rebuttals
10. Letters to the Editors
11. Getting your Story Printed
12. How to Get on Talk Shows
13. Receive Abortionists Mailings
14. Attend Abortionists Meetings
15. Get our Books into the Library
16. Expose Planned Parenthood
17. The Value of Petitions
18. Debate the Abortionists. Where?
19. Influence your Clubs & Groups
20. Infiltrate Abortion Groups
21. Put Abortion Condemnation in Oath
22. Use Pro-Life Stickers, Decals, etc.
23. Convert the Professionals
24. Make Fake Appointments at Clinics
25. Make your Own TV-Radio Shows
26. Set up a Pro-Life File, Library
27. Get Abortion out of Insurance
28. Make your Group KNOWN
29. Hold a Speakers Workshop: Train.
30. Aids to Effective Lobbying
31. Use the Billboard, Ad Bench
32. Giving a Slide Presentation
33. How to Raise Funds
34. Challenging the Professionals
35. Sidewalk Counseling
36. Professional Pregnancy Help
37. Open your Home to Pregnant Girl
38. Glossary of Pro-Life Songs, Chants, slogans for Rallies & Pickets
39. Keep Up-to-Date: Papers & Magazines
40. Educating the Specialists
41. Picket Abortionists Homes
42. Legal Aspects of the Sit-In
43. Adopting an Abortionist
44. Using the Abortionist to further the Cause
45. How to Stay Optimistic
46. Keeping Yourself Available
47. Setting Up a Tax Exempt Organization
48. Best Methods of Counseling
49. Setting up a Pregnancy Help Office
50. Gathering Evidence
51. Filing Suit Against Abortionists
52. Conducting a Tax Protest
53. Use of Inflammatory Rhetoric
54. Use of Signs & Pictures
55. Graffiti
56. Setting up a Simulated Talk Show
57. Use of "Threats": Pressure
58. Drug Company Reports
59. Use of Private Detective
60. Exposing Abortionists Lies
61. How to Rattle your Opponent
62. Keeping Abortionists Out of your Town
63. Conducting the "Blitz"
64. Use of the Bull Horn
65. Brag Book: Album of Baby Photos
66. Getting Info from License Plates
67. Insert Material into Newspapers Magazines, etc.
68. Use of Sound Effects at their Rallies
69. Women Who Have Had Abortions WEBA
70. Night Telephone Message
71. Taking the Deposition
72. Calling their Bluff
73. Counter Charges "False Arrest"
74. Destroy their Ads: Yellow Pages
75. Use of Props, Effigies
76. Create an Image
77. Cosmetic Use of Fetal Tissue
78. Dirty-Dozen: Jailed Pro-Lifers
79. Having Fun in the Movement
80. Subversive Propaganda: Crusade, Betty Ford, Hippocratic Oath
81. Don't let Garbage Man Collect Garbage
82. Pro-Abort Stuff Off the Shelves
83. Getting Our Info Out Thru Programs, Greetings, Fliers
84. Hand Out Legal Info after Abortion
85. Hold A Trial of Abortionists (mock: name issues)
86. Go After Abortion Funding thru Legislation
87. Coordinate Pickets Nationwide
88. Book Stores
89. Setting Up a Convention
90. Violence: Why it won't Work
91. Getting into Politics
92. How to Handle the Public
93. Get the Dirt on them
94. The Abortion Hospital Challenge
95. How to Handle "Goon Squads"
96. Use Your Imagination
97. The Importance of Being You.
98. The Power of Prayer
99. Do it with Love.



ELLEN

GOODMAN

## Pro-Abortionists Suffer Increased Terrorism Attacks

**T**HE ENTRIES in the daily log are almost routine now. A bomb threat in Washington, D.C. Two more in Maryland. Another in Pennsylvania. A ketchup-covered long-bladed knife found against a door in South Dakota.

You might even say that things have settled down since Nov. 19, when an abortion clinic and a family planning clinic, both in Maryland, were

bombed. Certainly there has been no event as freakish as the one in Alabama on Nov. 15, when a part-time abortion counselor, who had been harassed by anti-abortionists, came home to find her cat decapitated.

This year 24 centers in seven states have been damaged by fire or explosion. In addition, there have been 150 reported cases of vandalism and harassment.

There is no proof that pro-life groups are behind these incidents, nor do we know for sure that these acts are connected. But we do know that the bombings, the fires, the crimes are occurring in an atmosphere of general frustration, of escalating anger, and mounting pressure for action among anti-abortion activists.

These groups have not won a legislative or legal battle in a long time. Some right-to-lifers have been shifting toward direct action against clinics and patients and doctors.

Inside the movement, moderate leaders are losing ground to extremists. Once, a man like Joe Scheidler, the head of the Chicago-based Pro-Life Action Group, was scorned by the mainstream. While the moderates work to change the law, Scheidler specializes in harassing patients, disrupting clinics, invading with "truth squads." Scheidler calls the moderate leaders the "wimpish pro-lifers," "the

lily pads for life." This year, he was welcome at the annual convention of the National Right to Life Committee and in the White House. He joined other anti-abortion leaders when they met with President Ronald Reagan.

Scheidler, for example, says that "we intend to shut down the (abortion) industry." Of the bombers and burners he merely reports, "I don't condemn them. I don't promote them. What we've seen is some damaged real estate. . . . It's like bombing Dachau and getting away without hurting anyone."

The tactics of "direct action" have escalated into a form of domestic terrorism. A small band of fanatics have set out to impose their political will through fear rather than persuasion.

This week, the administration launched its program to "get tough" on international terrorism. But we're still waiting for the condemnation of terrorism that has taken place right down the street from the White House.

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## The Pro-life Movement's Holy Terror

Joseph Scheidler doesn't seem to mind that his zealous tactics are driving moderates away from the antiabortion cause.

This, he says, is no cause for moderation.

By Thomas F. Roeser

"American political life is getting uncivil," former Indiana senator Birch Bayh told me about a year ago. "Perhaps it was necessary with the civil rights interruptions and the Vietnam war protests. But what disturbs me is that the interruptions and demonstrations in this country usually—if carried out long enough—get their way. The great American people first get mad, then accept the interruptions peacefully, then seem to in their tolerance say, 'Well, maybe this fellow is right because he feels so strongly about it.' Americans are feeling a lot less strongly about things as they become pluralized, you know. Which means that for the fellow who does it's a great advantage."

Bayh told the story of an encounter with an uncivil fellow who felt strongly:

"One of the things that I would always like to do is speak at commencements," he said. "Of course there are political benefits to it, but I hoped my speaking would transcend immediate political concerns and give the students something to think about. Consider this scene. It was at Saint Joseph's Roman Catholic college in Rensselaer, Indiana. The students were sitting in the audience wearing their mortarboards with their proud parents jamming the auditorium behind them. It was a wonderful spring afternoon, and I was just getting wound up, bringing them the message that idealism still exists in politics and government and it is up to them to reinforce it when out in the audience where the parents are sitting, up stands a man who must have been seven feet tall wearing a white suit, and he pulls a battery-powered megaphone to his lips and in a deep voice that permeates the place shouts, 'You, Birch Bayh! You vote to kill babies! You're an abortion award winner!' It seemed like an hour that he kept addressing the crowd until he voluntarily left in the company of ushers, but the place was up for grabs. Fathers and mothers shook their fists at him

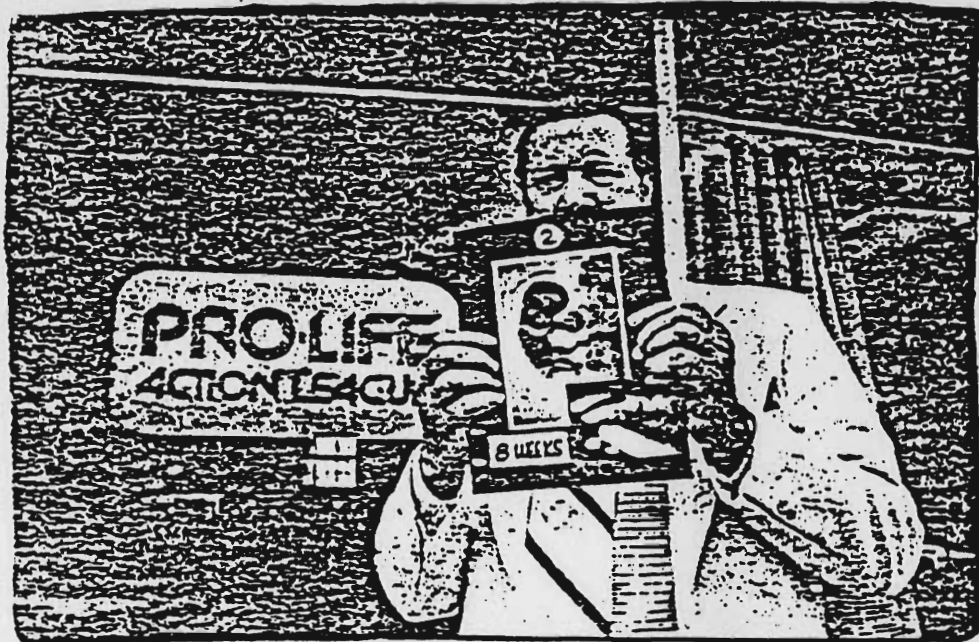


because he had ruined their kids' commencement. I am told that these Catholic people contacted this man's headquarters in Chicago in an effort to get him fired."

The man's name was Joseph Ma-thias Scheidler, and the parents got their wish. The Saint Joe's incident took place in 1978, and at the time, the fiery, bearded, megaphone-toting giant who broke up the graduation was executive director of the Illinois Right to Life Committee, a moderate,

Photograph by Kathy Richard

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## HOLY TERROR

(Continued from page 1)

Chicago-based group composed of Catholic laymen. The complaints were the last straw for IRLC's board of directors, and Scheidler was let go. He soon had another job as a professional abortion opponent, this time with Friends for Life, whose board of directors (I was the president at the time) was more militant than IRLC's. Friends saw Scheidler in a larger national role, as an executive who could strategize and testify before Congress; after a year or so of quarreling, when Scheidler left what would prove to be his last full-time job before founding his own antiabortion group, they said he had no strategy at all, but was a one-man band, happiest and at peace with his bullhorn.

But were they right? In the ten years since the Supreme Court legalized abortion on January 22, 1973, the prolife movement has fragmented over issues of goals and strategy. The fight for a constitutional amendment banning abortion has been, particularly demoralizing, persuading even many committed activists that victory was impossible. But Scheidler has kept on fighting his chosen fight, heedless of career, money, reputation. Today, initiator, victor, and victim of several feuds within the movement, he at last commands his own army, the 1,800-

member Pro-Life Action League—which has been called the Green Berets of the cause. His followers (he alternately charms and cajoles them, and they seem to seek nothing so much as to please him) are no longer just in Chicago, but in New York, Washington, D.C., Pittsburgh, Norfolk, Topeka, Kansas City, South Bend, Saint Paul, Duluth, Portland—wherever he takes his impassioned speeches.

And Senator Bayh? Since 1980, thanks largely to abortion opponents, he's been just plain Mr. Bayh.

I've always thought that when Joseph Scheidler is finally laid in his satin-lined coffin—all six feet, four inches of him—the mortician should arrange him to look as he does at his street demonstrations. If it's summer when he goes, he should be dressed in his luminescent white suit and vest; if it's winter, his funeral should consist of a black hat. Whatever the season, he should have three felt-tip pens in his breast pocket; a small red cloth rose affixed to his lapel with the word *LIFE* embroidered on the stem; and cradled in the crook of his right arm,

his battery-powered Radio Shack megaphone.

It's indispensable, that bullhorn, his constant companion since 1974. He defies the police with it, wows the media, rallies his followers, blasts out running commentaries on the confrontations he's constantly staging before abortion clinics throughout the country. Practically the only thing he doesn't use it for is the task he sees as his most important—to call out to the young women on their way to use those clinics.

"This is a death chamber!" Scheidler shouts with a voice that turns passersby into gaping bystanders. Scheidler spurs the women the embarrassment of the bullhorn, but not their mothers, their husbands, or their boyfriends. Mortified, the women scurry to the clinic door, often half pulled by their embarrassed escorts. The women literally fling themselves through the doors, eager to escape the accusing presence; the men sometimes pause to throw punches as they pass.

A few women hesitate, stop to talk with Scheidler and his sidewalk counselors, who offer referral to private

shelters that can arrange for infant adoption. "When they stop to hear me out, I say a prayer to Our Lady for thanks for this chance to save a life," says Rosemary Stokes, Scheidler's veteran street counselor and a devout Catholic. "When they agree to think it over, I am on a high. But the most wrenching thing is when, after hearing me out, they shake their heads sadly, and say they have to go through with it. I follow them in a last-minute fight for that life; but they slip through my hands, some of the police muttering that we are interfering. God! That's the depressing thing!"

Off-duty policemen employed by the clinics despise Scheidler and his corps—not only because they interfere with the profitable stream of trade walking through the clinic doors—but because Scheidler sends his people as infiltrators to temporarily halt operations within the clinics. Every so often women decoys buck the picket line angrily rejecting "street counseling." Fooled, the police admit them, and then the action begins. Miss Stokes, a small, stocky, elfin woman with a brogue and a ruddy Irish face, has played a mother who escorts her daughter to a clinic ostensibly to comfort her. Once inside, the daughter proclaims loudly that she has rethought the matter, that she will not go through with it. Miss Stokes shouts that the daughter must have the abortion. "Do you want to disgrace our family?" she shouts. "Is that what you want?" A cunning actress, she becomes a woman driven to the brink of madness. The daughter shouts "No, I won't! It's murder!" and Miss Stokes repeats, "I tell you, you are disgracing our family if you don't go through with it!" The struggle brings guards and the entire staff of the clinic rushing from their posts to break up a possible melee. Then Stokes, the daughter, and other waiting Scheidler decoys run to block the entrance to the operating rooms, quickly linking arms, praying the rosary, and chanting hymns. Screaming police sirens lure a crowd and summon TV cameras to which Scheidler pronounces in ten-second spot interviews that abortion is murder. Police race into the clinic and emerge rugging handcuffed demonstrators who struggle to make V-signs, as Scheidler gives the street audience a colorful running commentary on his bullhorn.

Lately, police have begun to respond less gently. Angered by Scheidler's routine of exaggerated defiance, back-of-the-hand guffaws (which

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prompt roars of mockery from his corps), and quiet irony, they are starting to arrest at first provocation. Scheidler had always insisted to his instructors (smilingly referring to them as "scum," by which he means, he says, "saints of the prolife movement") that they not be must endure arrest, because he, like MacArthur evading capture at Corregidor, must remain free to direct the war. This has provoked Scheidler's enemies to make the whispered accusation that he wished to keep his record unblemished so that, as father of seven, he can someday gain private employment. Last January 29, however, a policeman, called to the clinic as soon as Scheidler's army gathered, nailed him before the provocation began, declaring that his presence on the sidewalk in front of the clinic was sufficient to foment trouble, and arrested him for "disorderly conduct," putting him in cuffs that cut deeply into his wrists and bundling him and three other "scum" into a paddy wagon that took them to the Chicago Avenue lockup.

Interviewed at his storefront office at 6369 N. LeMay Ave. on the northwest side, Scheidler deplors violence, but unlike traditionalist pro-life leaders, he does not bewail law-breaking per se.

"When the law itself is so twisted,"

he said, "it is obvious that one has to fight it, and when the law sanctions killing of innocent people, maybe you have to break a law to save lives. That means that we will have more sit-ins. We'll go into abortion clinics and talk with young women. All the laws we're talking about breaking are trespass laws, which means they ask you to leave and you don't leave the moment they ask you to. Not long ago in this town we stopped ten abortions from taking place by talking to the women in the clinics. Isn't that worthwhile? Isn't it worth breaking the law for? We think it is." Abortion rights leaders have claimed that militancy, even when not directly responsible, leads inexorably to public outbursts such as firebombings, bomb threats, and arson, which has reportedly struck some 27 clinics since 1977. Scheidler disagrees: "There's no proof at all that firebombings and violence have anything to do with prolife. I suspect a lot of those episodes are self-induced to collect insurance or something like that. The real violence takes place, not outside the clinic, but inside. They kill people there."

At a trial in April, Scheidler and his "scum" were acquitted. But in an effort to discourage the demonstrations and invasions, the courts are getting tougher. Four demonstrators, not directly a part of Scheidler's cadre

but influenced by his network, are serving a year's term in Saint Louis; and Donald (Benny) Anderson languishes in a federal penitentiary at Oxford, Wisconsin, serving a 30-year term (with no possibility of parole in the first ten years) for his part in an attempt to close an abortion clinic in Granite City, Illinois, on August 12, 1982. A group called the Army of God kidnapped the clinic owner, Dr. Hector Zevallos, and his wife and held them at gunpoint for a week, releasing them only when Zevallos promised to stop performing abortions. The charge against Anderson was conspiring to interfere with interstate commerce.

"There is reason to believe," Scheidler tells the scum-saints, "that more proabortion judges will seek to crush the demonstrations by citing the interference with interstate commerce charge." The activist movement must not be intimidated by this, he says.

While not defending kidnapping and declaring he abhors all forms of violence, Scheidler says kidnapping cannot compare with the violence performed upon the unborn child by abortion. While he won't go so far as to endorse it, Scheidler says, "Remember Adolf Eichmann? How was he brought to trial by the Israelis? He was kidnapped, was he not? Did the world condemn that action? Of course

it didn't."

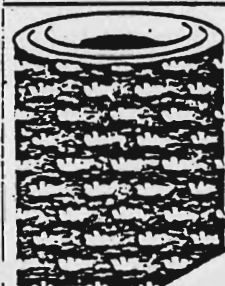
He occasionally blames the media for failing to distinguish between his picketing and the more violent extremists, but he often carefully allows the students to convince him Friday, he led a group of picketers to Saint Elizabeth's Catholic Hospital in Granite City, to protest inclusion of Dr. Zevallos to the hospital staff.

On the way to the picket, Scheidler paid a courtesy call on the wife of Benny Anderson. When the three events—the kidnapping, Scheidler's peaceful picketing, and the stopover to console Mrs. Anderson—coincided in the mind of a reporter from the *Saint Louis Globe Democrat*, Scheidler said of the kidnapping, "I don't condone it, but I admire the zeal that prompts someone to risk his future. I wish I could have channeled the zeal of the Army of God into useful positive activity." He then honored Reverend Edwin Arnetzen, a Catholic priest who had been imprisoned for disrupting an abortion clinic.

The media boozies Scheidler went to Granite City to seek—a face-to-face confrontation with Hector Zevallos—didn't occur. Scheidler was served with a letter from a Granite City law firm that warned of a possible lawsuit if Scheidler interfered with Zevallos's legal rights. In what he

Continued on page 14

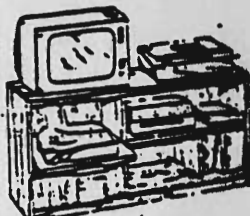
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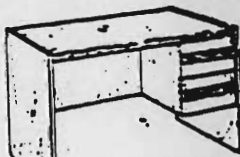
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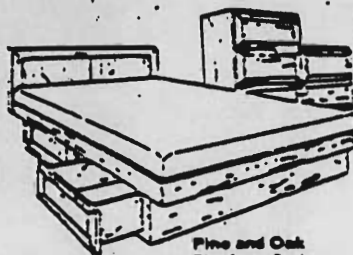
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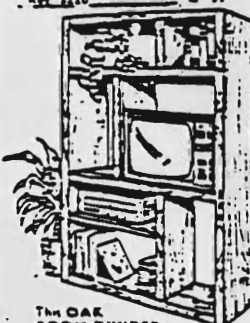
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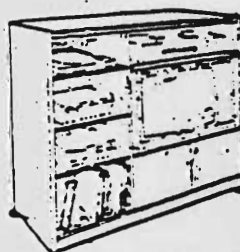


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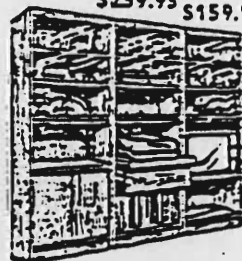


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# HOLY TERROR

regarded as a gesture of ultimate  
contempt, Scheidler burned the letter;  
Zervanos's lawyer, watching from a  
doorway, told the press softly "it's no  
big deal."

To many, the episode is yet another  
mark of Scheidler incivility. But to  
Scheidler, who identifies abortion with  
the Holocaust, civility is unaffordable.

Does he grieve for the legal process  
when abortion clinics burn? Not as  
much as do old-time modernists prolife  
leaders, assuredly.

"I don't think many people grieved  
when DeChau, Buchenwald, or Auschwitz  
were shut down," he said to me  
last Saturday. "These were death  
camps, places where people were taken  
to be killed. That's all an abortion  
clinic is. Two people go into a clinic—  
the mother and child. One comes  
out—sometimes... the mother. The  
child is left there disemboweled, killed.  
So that's why we try to close clinics.  
And when one is out of commission  
because some careless counselor  
throws a cigarette in a wastebasket and  
it burns up—I don't grieve at all."

Joseph Scheidler was born 56 years  
ago in tiny Hartford City, Indiana,  
where his family, prosperous by small-  
town standards, owned farms, the-  
aters, and businesses. He is ambiguous  
in assessing his own wealth: On one  
hand there is nothing to worry about,  
but on the other, there is a commit-  
ment not to burn up his inheritance,  
which means that his immediate job-  
related bank account must strive to  
stay above a few paltry dollars. He  
intended to go to the priesthood, a  
plan frustrated by World War II. He  
served out the end of the war as a  
seaman second class in the navy and  
made plans to go into journalism. He  
attended Notre Dame, went to work  
as a writer and copy editor of the  
*South Bend Tribune* in 1951, then  
moved to Fort Wayne, where his  
uncle, the Right Reverend Leo Purse-  
ly, was bishop, and took a job as art  
director of the respected national  
Catholic weekly, *Our Sunday Visitor*.

He decided the priesthood was the  
only ennobling vocation, and from  
1952 to 1958 studied at two semin-  
aries—the first, Our Lady of the Lake,  
in Wawasee, Indiana, and the second—  
the more serious study—at  
Saint Meinrad Benedictine Abbey in  
Saint Meinrad, Indiana, where he  
donned the black habit and cow and  
adopted the name Frater Gregory. But  
as many observers would later attest,  
as secular obedience did not come  
easy for Frater Gregory, neither did  
Holy Orders. Discarding Orders as a  
vocation, he became a journalism  
instructor at Notre Dame (1959-62);  
just as the abortion rights movement  
was being formalized, then took a  
master's degree in communications—  
which then had emphasis on speech—  
from Marquette (1963). (The staccato,  
machine-gun speaking style he learned  
was stored in his repertoire for a  
telephonic hot line (792-1995) that  
rivals the rapid-fire performance of  
the late Walter Winchell.) He moved  
to Chicago to become an instructor in  
theology and journalism at Mundelein  
where he met a comely student in  
charge of the social committee, Ann  
Crowley of Glenview, whom he mar-  
ried.

He left teaching, not only for better  
pay, but to share in the idealism of  
contemporary issues, savoring from  
the back lines the zest of Martin  
Luther King's march from Montgom-  
ery, supporting himself as a staff  
writer for the Chicago Commission on  
Youth Welfare (1967-69), the Chicago  
Department of Human Resources  
(1970), and then finally as information

director of the Chicago Commission  
on Human Relations (1971-72). But  
these were temporary, dead-end jobs  
in a sense. Civil rights was intriguing  
but only partially satisfying. Any  
program, no matter how salutary, that  
merely transfers people from-segrega-  
tion and impotence to (it is hoped)  
temporal wealth and power is vacuous  
for one of the innately philosophical  
persuasion of a seminary-trained  
Catholic of Scheidler's generation. He  
left government to become an account  
executive at Selz, Sanbitt Associates, a  
commercial public relations agency,  
writing profile articles and letters to  
the editor and making speeches in his  
free time, while to earn his living he  
pounded a typewriter and made news  
contacts for Martinis (a division  
of Masonite) and Shakespeare  
fishing tackle; but he was preparing to  
work full-time for the cause to which  
his philosophical and theological train-  
ing could be applied.

When he resolved to make antiabortion-  
ism his full-time work, the cause  
linked Scheidler's interest in rights  
and the philosopher-theologian's ab-  
sorption in life. Augustine wrote that  
life "became the great question to  
myself" upon the death of his fond  
companion Alypius; even the skeptical  
Montaigne wrote that "to philo-  
sophize is to learn of life." Now life  
was being taken, Scheidler believed,  
because of an establishmentarian con-  
servatism—a hybrid of new-wave lib-  
erals and old-fashioned libertarians.  
The American Medical Association  
gave way, the American Bar Associa-  
tion did too, as did denizens of the  
walnut-paneled board rooms at the  
big corporations—"chilly-blooded ex-  
ecutives," Scheidler called them, "who  
would engage in quiet head nodding  
in assent that the bloody abortion  
process, no matter how controversial,  
would at least cut welfare costs." This  
alliance squared with the proabortion,  
infantide views of Plato and Aristotle,  
but Plato and Aristotle were not  
the only tradition of thought. Another  
tradition, a tradition that opposed  
abortion, began religiously 1,500  
years before Christ, at about the time  
the Israelites left Egypt, where the  
earliest antiabortion hymn was pre-  
served on papyrus as it was ordered  
carved by Pharaoh Amen-hotep IV. It  
can be followed through the laws of  
Moses and Narada, the Zoroastrian  
legislation, to the Old Testament, to  
the Christian tradition. There opposi-  
tion to abortion is vital to the treatises  
of Basil, Ambrose, Jerome, Augustine,  
and later Aquinas. It is found in the  
doctrine of Martin Luther, the Cal-  
vinists, and Catholicism down through  
the popes to the Code of Canon Law,  
circa 1917. *Canon Communis*, the 1930  
encyclical of Pius XI; Pius XII's  
condemnation to the midwives of  
Rome; John XXIII's tough order in  
*Mater et Magistra*; Vatican II's prolife  
pronouncement; and the July 28, 1968,  
statement by Paul VI. Today, in  
condemning abortion, John Paul II  
exceeds even his passion about  
Poland.

And so Scheidler quit his public  
relations account executive job and  
worked out of his own home before  
being hired as executive director of  
the Illinois Right to Life Committee,  
whose board of directors wished a  
discreet education program, one that  
would not come close to violating the  
IRS's ban on political activity on the  
part of tax-exempt organizations.  
Moreover, IRLC hoped not to create  
waves with the archdiocese, which  
under John Patrick Cardinal Cady had  
endorsed Catholic Charities' partici-  
pation in the Crusade of Mercy—  
1988

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## HOLY TERROR

also apportioned funds to Plan Parenthood, the group that had ashedly launched abortion

advice and circumspection is they wished in a director.

at they got instead was a fiery ah of the grass roots who got press in a month than the IRLC rnered in all its history, who red with rapidity on TV prime- newscasts and radio talk shows,

excoriated both political s. The Chicago archdiocese (for trying its hands by putting Cath- inities in the Crusade of Mer- and the Supreme Court (for its ability for 1.2 million annual

deaths, more than the nation lost in all its wars, an annual carnage matching the combined population of Kansas City, Minneapolis, and Miami).

The Birch Bayh episode was quite enough. He was terminated by IRLC, permitted to walk away by Friends for Life. But though he was without a job, he still had a position—as one of the most influential abortion fighters in the region. In 1980 he put that position to work, founding his own group..

Scheidler discusses medical terminology freely, although he has no medical training—with the same facility with which Ralph Nader, no automo-

tive engineer, discussed safety devices and Robert Choate, no nutritionist, electrified the nation on the nutritional needs of the poor when he accompanied Senator Robert Kennedy on a tour of the rural South. The fact is that Scheidler has absorbed these scientific facts after much reading of, and long discussions with, agonized prolife obstetricians and gynecologists.

One is Bernard N. Nathanson, MD, the prime defector from pro-choice ranks, who was chairman of the Medical Committee of the National Association for Repeal of Abortion Laws (later renamed the National Abortion Rights League) from 1969 to 1975; director of the Center for Reproductive and Sexual Health in New York, then the world's largest abortion clinic, from February 1971 to September 1972; and author of *Aborting America*. "Speaking for the 'discipline of medicine,'" wrote Nathanson in a Solzhenitsyn-like declaration of conscience, "we know there is an independent all-initiating biological entity from the point when the sperm unites with the egg, and we are able to discern its presence and activity beginning with implantation. If this is not life, what is?"

Another, one of many, is Edward Bleischmidt, MD, professor of anatomy and director of the Institute of Anatomy, at the University of Göttingen, West Germany, who in his article "Human From the Very First" says bluntly "Today, the question regarding the point in the course of prenatal development at which it is licit to speak of a human being can be clearly answered because today we know that each developmental stage of the human being is demonstrably a characteristically human one. Already on the basis of the well-known chromosomes of human ova, the specificity of a

human germ can no longer be doubted. Therefore, this principle applies today: A human being does not become a human being, but rather is such from the instant of its fertilization."

Scheidler says such agreement, which is disputed in some medical circles and acknowledged in others, mocks the rough approximation by Justice Harry Blackmun as to when life should be protected. Exact determination of when human life begins is impossible, he said, arguing that protection should begin at "viability," which "is usually placed at about seven months (28 weeks), but may occur earlier, at 24 weeks." To countless audiences, Scheidler recites the developmental progress of the unborn child with a medical definiteness that is attested to by even his opponents who are medical scientists. "At 18 days after conception, the child's heart starts to beat," he says. "When he weighs 1/30th of an ounce at six weeks, he has every internal organ he will have as an adult—mouth, lips, tongue, and 20 buds for his milk teeth, with his skeletal system developing by this time. At 43 days, brain waves can be detected. At six weeks, the child has recognizable fingers, knees, ankles, and toes. If you were to stroke his lips, he would bend his body to one side and make quick, backward motions with his arms. At eight weeks, his brain is fully present, his stomach secretes gastric juices. And if you tickle his nose, he will flex his head backward away from the stimulus. At nine weeks, electrocardiogram recordings of his heart can be taken, and he squints, swallows, and moves his tongue. At 11 weeks, he has fingernails and his body systems are all working. At 10 weeks, he feels pain. At 12 weeks, he will kick his legs. At 16 weeks, he has eyelashes. At 18 weeks,



he cries, although we hear no sound because there is no air in the womb."

The medical certifiability of these facts causes Scheidler to virtually blind himself as he describes the six common methods of legalized abortion.

"These are the means of abortion," he says. "There is the D & C, or Dilation and Curettage, the method most often used in the first 13 weeks of pregnancy. A tiny instrument, the curette, is inserted into the womb through the dilated cervix. The abortionist then scrapes the wall of the uterus, cutting the baby's body in pieces.

"Then there is suction, most commonly used for early pregnancies, where a powerful suction tube is inserted through the cervix into the womb so that the body of the baby and placenta are torn to pieces and neatly sucked into a jar.

"A common procedure is salt poisoning or hypernatremic abortion, which is generally used after 13 weeks of pregnancy, which is the period where the baby can experience pain. A long needle is inserted through the mother's abdomen and a strong salt solution is pumped directly into the amniotic fluid which surrounds the child. The child swallows trustingly, and the salt slowly poisons the baby, turning his skin. The mother goes into labor a day later, and expels a rigid, grotesque, shriveled baby. Some babies have survived the 'salting out' process and have been born alive.

"Another means is the hysterotomy which is used in the last trimester. The womb is entered by surgery through the wall of the abdomen, and the baby is removed and allowed to die by neglect.

"A new form of abortion is by Prostaglandin, utilizing chemicals that are injected into the muscle of the uterus, causing it to contract and push out the

developing baby. Babies have been decapitated during these abnormal contractions, but some have been born alive.

"Finally there is the method that is rapidly becoming the most common one for mid and late second trimester abortions, those from the fourth to sixth months of pregnancy, known as the D & E, which stands for Dilation and Evacuation. That is the method by which the doctor reaches into the uterus with a pair of forceps and crushes the bones of the baby before they are removed with suction equipment, with special attention paid to crushing the skull of the baby so that it can be sucked out of the mother's body by a vacuum cleaner kind of arrangement."

[Some would dispute some of Scheidler's facts. D & E, not D & C, is the most common method in the first trimester, according to Norman Levine, executive director of Planned Parenthood Chicago. In the first trimester the use of forceps is superfluous. The fetus needn't ingest the salt in hypernatremic abortion, he says, and the burning of the skin is no worse than that caused by swimming in the ocean. He is aware of no live births after hypernatremic abortion. Hysterotomy, Levine says, is rarely used, and almost never except in cases when the fetus is dead already or the mother's life threatened; he says none have been performed in Chicago in at least a year. Prostaglandin is an experimental technique, he says, and extremely rare. Levine's figures show D & E as a common technique up to about the 18th week, with saline injections becoming much more common after that.

[Levine argues with Scheidler's "charged" language. What the physician scrapes from the uterine wall in D & C is not a baby, it's "tissue," he

says. To Scheidler, of course, and to abortion's foes in general, that's a linguistic distinction that conceals a crime against God and nature.]

Outraged, Scheidler asks what could have motivated the Supreme Court to make its fateful 1973 decision that legalized abortion? It was, he says, bad medicine, bad law, and (here most lawyers in the pro-life movement shake their heads at his incivility) "treason by the court." Why treason? "The first document of our liberties, the Declaration, guarantees Americans the 'right to life.' The Supreme Court was faithless to its first responsibility, and is guilty of 15 million murders that have been committed since its decision." This denunciation rings across Scheidler's telephonic hot line and over his megaphone, chilling the blood of those who yearn for more delicate discourse.

Although street counseling is to Scheidler the most important aspect of his self-imposed vocation, Scheidler glories in events that like the Granite City excursion are purely media-related. In campaign season he takes his followers to rallies of such politicians as Senators Edward M. Kennedy and Charles H. Percy. Ignoring their establishmentarian speech topics—Central America, deficit reduction, defense policy, international trade, taxes (they understandably never voluntarily bring up abortion), Scheidler and his army leaflet outside the meeting halls, and he trumpets his issue to them via megaphone. He then piggybacks into the news via their coverage. He doesn't care if his demonstrations play into the wrong hands, to his cause's short-range, even long-term, disadvantage. Last Palm Sunday, March 27, an ugly mob sprayed hate at Harold Washington and former vice-president Walter Mondale in front of Saint Pascal's Roman Catholic

Church. Scheidler and his followers were there. They were protesting the alleged defilement of a Catholic church and its conversion into a campaign prop by two politicians who voted consistently for abortion rights. In the news coverage, however, Scheidler's army was lumped with those who cried out "Nigger, go home!"

Antiabortion pragmatists warn him that the main impediment to passage of pro-life legislation is the prejudice that it is part of a far-right that often coddles racism. In terms of political aesthetics, this rivals being seen skulking from John Gacy's crawl space. But Scheidler has long forsaken the sort of prudence that precludes headlong pursuit of principle. His critics say "action" is all that matters to him, regardless of the consequences, and that he always prefers locomotion to standing still, even if by standing still he might avoid a blunder that would delay victory. He is conscious that rashness is one of the two damning faults he is accused of, even within the pro-life movement. He doesn't lay the charge to rest when he says ominously "I do not pursue action at all costs, and if you knew the impulses I have resisted, you would not say I am rash." Still, he insists with vehemence that the charge of imprudence is unjust. Turning to me in our discussion, he said: "Imprudence? Much planning and study go into my seemingly spontaneous activities." In other words if an action is planned carefully before executed, he adjudges that it is not rash.

The second accusation is that, frankly, Joseph Matthias Scheidler long ago became a casualty of the highly charged movement and is quite mad. He has mesmeric fascination, and when one thinks of the absolute-

Continued on page 22

# HOLY TERROR

Continued from page 19

ness of conviction on all subjects that propelled many unbalanced agitators (one remembers particularly John Brown at Harper's Ferry) into channels of action, Scheidler seems to have enough of it to warrant the conclusion that one or the other ear is not immersed deep enough in the water. But this is belied by his canny shrewdness, his skill in using people, and a dexterous ability to avoid collision within and without the movement while imitating, spicing his free-wheeling style, have blundered off a cliff.

Imprudent, erratic, passionate in all aspects, and an enemy of calm deliberation he may be; but of all the nation's pro-life leaders, he is most magnetic (his enemies would say the most lurid). Next to him all others—even the patriarch of the effort to overturn the Supreme Court decision, Illinois Representative Henry J. Hyde—appear moderate, pallid. And they are all rugged individualists—including legal advocate Dr. Victor Rosenblum; Dr. Blechschmidt of West Germany; Dennis Horan, the Chicago-based former chairman of the Medicine and Law Committee of the American Bar Association; the eloquent black physician and surgeon Dr. Mildred Jefferson; John T. Noonan Jr., Berkeley law professor; Charles E. Rice of the Notre Dame law faculty; and a vast array of organizing, fomenting, plotting demonstrators. None excels him in inculcating guilt from which great exploits are accomplished by ordinary people, a prime resource in movement organizing.

"For eight years after 1973, the pro-life movement was generally uninitiated," wrote Charles Rice, the movement's chief legal theoretician.

Then in 1981 Helms and Hyde introduced a "Human Life Bill" that would have "enforced" the 14th amendment to define, under law, that all humans are persons from conception. But, wrote Rice, "the Catholic bishops refused to support the bill and threw their support instead to the Hatch amendment. Not only was it clear at that time that there were insufficient votes in Congress to adopt any constitutional amendment restricting abortion, the Hatch Amendment was a repudiation of the personhood concept through which the pro-life movement had achieved its increased successes." The result, Rice concludes, is that "the old pro-life political movement is dead. It was killed by the American Catholic bishops, by the Reagan administration and by the inadequacy of the movement itself." The bishops "diluted the meaning of pro-life" by tying it to their antinuclear war pastoral stressing, says Rice, that "one is not 'pro life' unless he regards pacifism including the ultimate surrender to despotism as a legitimate, though not required, Christian position."

This is a "country club ambivalence on abortion," says Rice. Thus, what is emerging, he concludes, is a new pro-life movement, of which he lists Joseph Matthias Scheidler's Pro-Life Action League as a nationally significant force. The theme for the future, Rice forecasts, is what Scheidler has repeated every day of his activism: "There will be no compromises."

Scheidler has easily transformed the Chicago-area movement from part-time volunteers into the underground resembling primitive Christianity where the volunteers are in a pro-life Communion of Saints, hierarchy of

angels, and City of God. Thus, there is no doubt that the movement while smaller is stronger, especially considering the sort of people who call Scheidler their leader. The incivility Bayh spoke of is at hand; the movement here under Scheidler is prepared to undergo the heroic ordeals of ignominy, neglect, ostracism, and loneliness in order to shatter the silence.

Ingenuous as Scheidler is and as insistent as is his movement, the smart money maintains that antiabortionism will not succeed. How could this be when there have been legislative successes each year on the state level, including the bills that passed the Illinois General Assembly this year by wide margins? When Congress has regularly voted for the Hyde Amendment to cut off federal funds? When the federal courts have gradually begun to ratify this practice? When right to life clearly won with the defeat of George McGovern, Frank Church, John Culver, Warren Magnuson, Gaylord Nelson, Birch Bayh, Edward Brooke, and Jacob Javits and clearly gained with the election of Steve Symms of Idaho, Don Nickles of Oklahoma, Robert Kasten of Wisconsin, Jeremiah Denton of Alabama, John East of North Carolina, Charles Grassley and Roger Jepsen of Iowa, David Durenberger and Rudy Boschwitz of Minnesota, James Abdnor of South Dakota, Dan Quayle of Indiana, and Paula Hawkins of Florida? When the first right-to-life president sits in the White House and lobbies for a constitutional amendment? When for the first time, there are thousands of conservative Christian electronic churches touting the pro-life message in daily broadcasts that reach 27 million?

One reason is that the movement has fallen into internal wrangling over

its central legislative strategy. And the name Joseph Matthias Scheidler is occasionally mentioned as symptom not prime provocateur of the inner chaos. Though he is an ingenious one-man band, movement leader, a forensic brawler, Scheidler is as scornful of legislative compromise as he is of the Supreme Court or abortion clinic guards. And in his movement there are many Scheidlers (albeit of less stridency and charisma than the prototype) all forswearing negotiation. The fighting has driven out many moderate organizers, and many have heard less frequently. The movement has split into hundreds of tiny groups in the 50 states which wrangle about three possible pathways to rescind abortion: (a) a no-compromise amendment to the U.S. Constitution, supported by a faction Scheidler assured is counted as part of; (b) a Hatch-Eagleton compromise constitution amendment with a state's rights feature, endorsed by the U.S. Conference of Catholic Bishops but blasted by many pro-life leaders including the movement's number-one Senate supporter, Jesse Helms; and (c) a statutory route that could give the Supreme Court—if Reagan could appoint more justices—a chance to reverse itself, a move Scheidler also favors.

Two body blows were delivered to the pro-life movement in June—a decisive slap by the Supreme Court by vote of six to three (a reaffirmation of the Roe v. Wade doctrine legalizing abortion) against state efforts to ban abortion on demand, and a Senate defeat of Hatch-Eagleton by a vote of 50 to 49, 18 votes short of the two-thirds majority needed to pass constitutional amendment. Pro-life saw some faint rays of hope including addition of President Reagan's Co-

see Sandra Day O'Connor and Majority Leader Howard Baker side; but the events were still lousy defeats, of which the loss was prompted by prolife

Other reason is the nonexistence of a constituency. The unborn vote cannot mount an electoral campaign. The beneficiaries of the rights, peace, environmental, handicapped, and homosexual causes.

Pro-life, antiabortionism is by no means supported by all who have been in the burgeoning conservative movement. There can be discerned a recent conservative literary whiff of libertarianism, from Friedman's *Free to Choose* to the book by Robert Nisbet, Albert J. Rees, Professor of the Humanities, Columbia University. He is contradicted by such conservative heroes as Russell Kirk and William F. Buckley, Jr., but there is by no means a naive imprimatur on right-to-life. Goldwater and John Tower (both prochoice). Rather, opposition to abortion is a liberal legacy, from the social consciousness of the 19th century that argued for the right to protect the defenseless. Incipient liberalism of the 19th century, notable for the way it raised the status of women (before, they were regarded as midge adults, not as full-fledged citizens), launched the crusade to end the practice of induced miscarriage among social gospel-types aided by Catholicism. Nineteenth-century moralists inveighed in England here also against alcohol, and premarital sex (liberals regarded these campaigns as wrongful). In the middle class on the one hand and the lower classes, the so-called blue laws, saloon

closures on Sundays, and antimiscegenation ordinances. Suffice it to say that conservatives are not 100 percent behind right to life, but that the movement depends more upon conservatism's traditionalist wing—in the main, ex-Democratic party liberals, including a good many bland preacher and gentle "profamily" cadres, strong on rhetoric but weak on action (from which category Scheidler is exempted).

• The final reason is that, despite the earlier successes, the difficulty of crossing the final hurdle is finally becoming apparent to some in the prolife movement. Abortion is the most common surgical operation today, due to the relaxed sexual code that has become accepted as part of the American way of life. Today's Catholic bishops have urged the movement to "cool it" so as not to jeopardize passage of all-important aid to parochial schools. An overwhelming majority of newspapers, news magazines, and television-radio commentators are for abortion rights, which they tie to women's rights, a socially popular movement in an era when women are seeking to rise in the work force. It collides with ERA. The Equal Rights Amendment, earnestly supported by male and female feminists, would, it is generally agreed, establish the unchallengeable right to abortion, a selling point touted by ERA leaders. (The ACLU's brief stresses that since abortion "is a medical procedure performed only on women" and since abortion cannot be performed on men, a ban on the operation "would be tantamount to a denial of equal rights on account of sex.") Thus, except for a small splinter group, Feminists for Life, most right-to-lifers oppose ERA, and even Feminists for Life have been banned from distributing at a pro-ERA rally literature that proclaimed

"Pro-God, Pro-Life, Pro-ERA."

Thus, prolife seems to seek not only to end abortion but by nature of their issue to reverse an epochal tide of custom that glorifies the liberated woman and man to whom children are inconvenient. While on paper many Americans agree with such traditionalist propositions, and while a 1980 Roper poll for Virginia Slims showed 51 percent of women "prefer to stay home" rather than have a job, the prevailing trend in news coverage ignores what homemakers do in favor of the more exciting prospect of women holding top positions in business and government. U.S. public opinion has for the past 11 years been almost unrelentingly proabortion. The National Opinion Research Center asked representative samples of Americans for their opinions of abortion several times since the late 70s. The latest figures, from 1982, are revealing: Asked if they supported abortion if there is a strong chance of serious defect in the baby, 84 percent said yes, 16 percent no. (Scheidler says retardation or physical limitation in an infant should be accepted as God's will, which will become, in fact, a joy as love is conferred and returned.) What if the family has a low income and cannot afford any more children? 52 percent said yes, 48 percent no. (Scheidler says children must not be killed to satisfy economics.) If the woman became pregnant as the result of rape? 87 percent yes, 13 percent no. (Scheidler says that we do not know the circumstances involving our own conception, and that in any case the product of rape is as much life as the product of conjugal relations.) If the woman's health is seriously endangered? 92 percent answered yes, 8 percent no. (Scheidler says that a baby's life should not be taken as a fait accompli just because the mother is at

risk or assumed to be at risk.) There are few instances in which the public opposes abortion: A slight majority of 51 percent opposed abortion when the woman is married and does not want any more children; 51 percent when the woman is unmarried and does not want to marry the father; only 41 percent thought women should be given the right to abortion "for any reason at all."

To be successful, then, the prolife revolution must convert the entire medical-scientific community to acknowledge the fact that in actuality life begins at fertilization and should be protected from the outset. They must, if the movement is to succeed, be made to feel horror at the abortions they have performed and permitted to be performed. The legal community must join the movement en masse; and together these professions must produce such revulsion in the people that pressure would be put on Congress immediately to legislate a bill, which would be signed by the president instantly, to ban the operation. The legislation would be upheld by a Supreme Court whose majority would either have changed its mind or have been ideologically changed by new appointees the president had placed on it. Or in an agonizingly longer process, a constitutional amendment must pass two-thirds of both houses of Congress and be ratified by three-fourths of the states.

Could such a reexamination of principle produce a chemistry in society and its politics that would lead ultimately to the rolling back of the Court's decision? Some are pessimistic. To succeed in doing away with abortion, its foes must overturn not just a few laws and court decisions but an entire countertraditionalist mode of thought, whose seeds were planted

Continued on page 24



# HOLY TERROR

Continued from page 23

as far back as the Enlightenment, and which sprouted in the 19th century and flowered in the 20th. In this system of thought, mere life is no longer to be preserved at all costs; the higher good is (to use a phrase fashionable in intellectual and establishment circles) "quality of life." "Death with dignity" is urged as a means of forestalling the suffering of the aged; euthanasia is advocated to cut short the allegedly meaningless lives of the retarded, the hopelessly senile, and those so crippled as to be, in the description of their piteous loved ones, mere "vegetative growth." Modernists believe that answers can now be found in technology, which obviates dependence on religion. New-wave liberal religionists support squaring theology with scientific "progress." It means that abortion now has the blessing of important parts of the clergy and is opposed only by the traditionalist "Thou Shalt Not" wing of religion. New-wave religion swings closely, it is observed, with the establishment, including business, which funds universities, foundations, communications media, and the political parties; big business has long believed that reduction of population is required to enhance life for the wealthier, more marketable survivors.

No, says Joseph Matthias Scheidler,

while our era is pro-"quality of life," antiabortionism will assuredly triumph. For the time being we have just his word that it will, which for his followers is quite enough; still, his friends and critics say that for the first time a long-range strategy is unfolding in his brain. It is to co-opt the prolife movement for the radical activists, and it's an end toward which he is making great progress. Wouldn't this be counterproductive? Shouldn't the aim of the movement be to embrace as many adherents as possible, the mild-and half-hearted as well as the fanatics? Not to Scheidler, quite the reverse. John C. Calhoun once talked of a Theory of Concurrent Majorities; America, he said, was a great, lush, tepid, accommodationist country, that would not want to be inconvenienced by disorder from a minority and would do anything to avoid dread interruptions of civility. It did not work for the proslavery south of Calhoun's time because the north decided, for many reasons, that war was to be preferred over disunion and injustice. But it *did* work for civil rights in the 1960s, when wearied by demonstrations and civil disobedience—aghast at Martin Luther King's assassination and other incidents of violence—the nation's conservatives joined liberals to act legislatively. It worked again on the

issue of the Vietnam War.

Can the politics of disruption work again? The former Senator Bayh thinks so. So does Joseph Scheidler.

The movement now is, in Henry Hyde's words, like the 13th floor of a hotel where the elevator ascends to the 10th, 11th, 12th, 14th, and 15th floors. One asks: Where is the missing 13th floor—which in this case is inhabited by those who fight for the unborn? Abortion is "emotional," to use the favorite word of the establishment; the establishment, Hyde says, prefers not to refer to floor 13 because a lot of people won't want to concentrate on that floor, much less spend a night on it.

Underfinanced, missing paydays with his home-made Pro-Life Action League, a disrupter of peace in Chicago and across the nation, a man coming to be regarded as the almost unchallenged proprietor of the 13th floor, Joseph Matthias Scheidler is the man with the megaphone—citing Peguy ("If you possess the truth and remain quiet, you are the accomplice of liars and forgers") and Ambrose ("Not only for every idle word, but for every idle silence must men render an account"), believing that abortion's end is closer than we think.

It may be. The real source of abortion, says he, is profound selfishness. The disease of the West, said Tocqueville, is individualism, "which at first saps only the virtues of public life but in the long run attacks and destroys all others and is at length absorbed in

selfishness." It throws man "back forever upon himself and threatens in the end to confine him entirely within the solitude of his own heart." The war of retribution against abortion is small; but, said Ortega y Gasset, "it is well to recall that the Reformation began in very humble circumstances indeed."

If the war is not won by the time Scheidler's life is completed, he will die fighting for the victory; but there will be one consolation. Then he will come—to use a favorite Hyde peroration that can be recited almost by rote by prolife activists—"to the Last Judgment where we face Almighty God naked, with no advocates there, when we will be consumed by remorse, not only for the sins of commission but the sins of omission—where the terror will rip our souls like nothing you can imagine, where a chill will possess you as you cringe in this indescribable terror."

Then, Hyde says—and Joseph Matthias Scheidler fervently believes—"there will be sounded a chorus of voices that were never heard in this world but which are heard in the next world, sounding like Handel's *Messiah*—and the voices will say 'God spare him because he loved us very much,' which will be followed by the sweetest of utterances from the most beautiful voice ever heard: 'Come beloved of my Father, and enter the kingdom.'"

Thus Joseph Matthias Scheidler believes that in either event, he—the man on the 13th floor—will triumph.

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SUITE 430

WASHINGTON, D.C. 20009

TO:

Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

FIRST CLASS MAIL

84 DEC 14 10:50

GCC#5961

Edward R. Grant, Esq.  
230 N. Michigan Ave.  
Suite 915  
Chicago, Ill. 60601  
312-263-6709

December 11, 1984

Matthew Gerson, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826 (NARAL)

Dear Mr. Gerson:

This letter is to follow my letter of December 10, 1984, in the above-captioned matter. I just this day received copies of the two advisory opinions cited in the complaint letter of the National Abortion Rights Action League in this matter, and would like to take this opportunity to comment briefly upon this citation of authority.

The communications engaged in by the respondent, Pro-Life Action League, in this matter were made exclusively to members and affiliates of the League, not to the general public. Complainant has not cited to any expenditure incurred by respondent in communicating a message to the public.

As such, the expenditures incurred by respondent in this matter fall outside the jurisdiction of the Federal Election Campaign Act. In AO 1983-43, United States Defense Committee, the Commission stated:

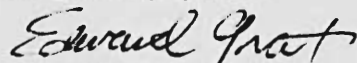
With respect to USDC's proposal to compile and disseminate information to the general public concerning the voting records of incumbent Federal officeholders on specific legislation, the Commission notes that as a membership corporation, USDC is permitted to make partisan communications with its members.

AO 1983-43 at 3 (Emphasis supplied).

Therefore, whether or not the letter of Mr. Scheidler in July, 1984 is interpreted to be a "partisan" communication is irrelevant. Since the communication was directed exclusively to members of the Pro-Life Action League and affiliates, expenditures for that communication cannot constitute a violation of 2 U.S.C. §441(b).

Thank you for your consideration of this addendum to the response of the Pro-Life Action League.

Very truly yours,



Edward R. Grant  
Attorney for Pro-Life Action League

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GENERAL COUNSEL  
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**JOHN J. JAKUBCZYK**

ATTORNEY AT LAW  
10 EAST MITCHELL DRIVE  
PHOENIX, ARIZONA 85012  
(602) 234-3912

RECEIVED AT THE FEC  
GCC#5984  
84 DEC 17 12:06

December 6, 1984

Matthew Gerson  
Federal Election Commission  
1311 K Street, N.W.  
Washington, D.C. 20005

Re: The MVR 1826

Dear Mr. Gerson:

Please be advised that I am one of the attorneys expected to respond to the rather strained allegations made by a Ms. Gail Harmon on behalf of the National Abortion Rights Action League against the Pro Life Action League.

I apologize for the timeliness of this letter but I had anticipated further information from your office.

LAW

As you are well aware, 2 U.S.C. 441(b) states, in part, that it is "unlawful for . . . any corporation . . . to make a contribution or expenditure in connection with any election to any public office . . . ."

The Pro Life Action League made no contributions in connection with any election to public office. The League did, however, educate the general public of the pro-abortion position of two candidates for the offices of President and Vice President. This is consistent with their stated purpose. (See: Purpose of Corporation, Sec. 5.)

The Complainant has shown no "connection" between the stated purpose of the Pro Life Action League which is to educate people about abortion and any violations of 2 U.S.C. 441(b).

A review of the definition of contribution or expenditure further supports my clients' position. No contributions were made directly or indirectly to the Republican campaign. Further, there was no co-ordination of any efforts.

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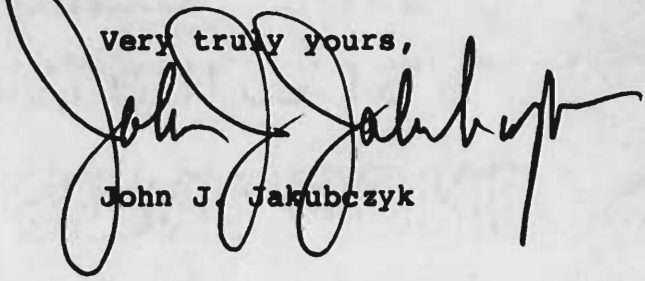


Matthew Gerson  
December 6, 1984  
Page Two

The First Amendment to the U.S. Constitution allows freedom of speech. My client and those individuals who work to educate the public about abortion used a valid vehicle for said education - the election campaign. As a result of efforts by my client, the public was better informed on this "non-partisan" issue.

As Mr. Scheidler has already stated, the Complainant's letter is replete with factual errors and inappropriate conclusions. It is respectfully requested that you decline this complaint, dismissing it summarily.

Very truly yours,

  
John J. Jakubczyk

JJJ/lbg  
cc: Joseph M. Scheidler

86040511485

N J. JAKUBCZYK  
ATTORNEY AT LAW  
EAST MITCHELL DRIVE  
PHOENIX, ARIZONA 85012

Matthew Gerson  
Federal Election Commission  
1311 K Street, N.W.  
Washington, D.C. 20005  
413



DEC 17  
A 9:40

GCC#5937  
84 DEC 12 18:50

Edward R. Grant  
230 N. Michigan  
Suite 915  
Chicago IL 60601

Dec. 10, 1984

Matthew Gerson, Esq.  
Federal Election Commission  
Washington DC 20463

RE: MUR 1826

Dear Mr. Gerson:

On behalf of respondent, Pro-Life Action League ("respondent"), I am filing this letter as a preliminary response to the complaint set forth in the letter of Gail M. Harmon, Esq., dated October 18, 1984, filed by the Commission as MUR 1826. For the sake of convenience, I have organized this response under two sections, Facts and Legal Argument.

This letter is to be read in conjunction with the November 1, 1984 letter of Mr. Scheidler, attached hereto as Exhibit 2.

### Facts

Respondents answer the corresponding paragraphs of the complaint of the National Abortion Rights Action League (NARAL).

1. Admitted that respondent is a not-for-profit corporation incorporated in Illinois. Admitted that respondent is not registered as a political committee or separate segregated fund.

2. None of the allegations of this paragraph bear any relevance whatever to an alleged violation of the Federal Election Campaign Act or any regulation promulgated thereunder, and hence, no response is required. Respondent further answers by moving that all allegations of this paragraph be stricken as made in bad faith with deliberate intent to mislead the Commission. As of date of filing of this response, respondent has not published any book entitled: "Closed: 99 Ways to Shut Down An Abortion Clinic." Since this book has not yet been published, it is impossible for it to have "encourage[d]" virulent demonstrations, or to have been "associated" with any acts of violence, including bombings. Moreover, if this paragraph is taken to refer to other activities of respondent, it is vigorously denied that respondent has ever encouraged any act of violence.

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3. Denied as stated. The authenticity of the July 27, 1984 letter of Joseph M. Scheidler, marked as respondent's Exhibit 1, is stipulated to by respondent, and speaks for itself. Any further allegations of this paragraph are entirely irrelevant to an alleged violation of the Federal Election Campaign Act.

4. Denied. The allegations that the costs of respondent's communications regarding demonstrations against Mondale and Ferraro "must be substantial" are entirely conjectural. Not a single fact or piece of evidence is cited; complainant's factual assertions are all preceded by the modifier "presumably," thus proving their speculative nature.

5. The allegations of this paragraph are irrelevant to the matter under review. Moreover, these allegations are denied as stated. Both Walter Mondale and Geraldine Ferraro ran on the Democratic Party platform calling for preservation of the current legal status of abortion, and both repeatedly defended that position during that campaign. The platform of the Republican Party, on the other hand, called for enactment of a Human Life Amendment to the United States Constitution.

#### Legal Argument

As demonstrated by the foregoing refutation of complainant's "Facts," complainant has attempted to buttress a spurious claim of election law violations by a series of irrelevant, ad hominem attacks upon the character and motivations of respondent. Close examination of the complainant's legal argument reveals that this claim is meritless and ought to be dismissed by the Commission without further review.

Complainant has failed in the most essential element of the case it must establish: that a corporation, in this case, respondent, has made partisan communications to the general public in connection with a federal election. The issue of abortion was undoubtedly central to the 1984 election campaign, as evidenced by the diametrically opposed positions taken in the platforms of the two major political parties. However, abortion is not an issue confined to presidential politics, or even federal elections in general. It is an important social and religious issue as well, an issue in which Representative Ferraro has long taken an outspoken position. Ferraro's appointment to the Democratic Party's national ticket gave wider circulation to her views on this subject. In respondent's view, there was considerable confusion caused by Representative Ferraro's oft-stated position that she is "personally opposed" to abortion, but in favor of legalized abortion-on-demand and public funding thereof. Accordingly, as the evidence clearly establishes, respondent made a modest effort to communicate the simple message that the candidates of the Democratic Party, including Representative Ferraro, support legalized abortion. There was no mention of preference for any other political candidate in any of these communications—merely an unambiguous conveyance of accurate information, based upon Congressional voting records and party platforms.

The reference to a plan to "defeat" Mondale and Ferraro must be considered in the context of the goal of education as to the true stance of these candidates regarding abortion. Clearly, it would be of no moment to any major

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candidate to discover the existence of a "carefully coordinated plan to defeat" their electoral bid. These candidates were obviously aware that their partisan opponents, the Republicans, were engaged in just such a "plan." What respondents sought to "defeat" in this case was Mondale-Ferraro's attempt to create an impression that they did not fully support legalized abortion. (See Letter to Matthew Gerron, Esq., attached hereto as Exhibit 2.)

The respondent's selection of the Democrats as targets for demonstration is of no relevance to this complaint, absent proof of collaboration with the campaign of another candidate. Evidence of such collaboration is entirely lacking, and the innuendoes raised by claimants from press reports relying on hearsay evidence do not merit an investigation by the Commission of this question. The only "evidence" in this regard is one phone inquiry made by Mr. Scheidler to a local Republican campaign office. Moreover, keeping in mind that this complaint concerns an allegation of illicit corporate expenditure, the issue of whether the activity of Mr. Scheidler as an individual was "independent" of the Republican campaign is a red herring and wholly irrelevant. No clear allegation of illegal independent expenditure on behalf of any candidate is made by NARAL's letter, and even if such an allegation can be imputed from the text, it is wholly unsupported by facts or legal argument.

Furthermore, NARAL's contention that respondent should have picketed Vice-President Bush, or engaged in "a civilized dialogue" demonstrates the vacuity of their legal argument. The Federal Election Campaign Act, however broad its reach, has utterly no jurisdiction over the content of political speech.

In summary, at issue here is the expenditure of a total of \$474.25 in corporate funds of the respondent for the purpose of advising private citizens and associations regarding their rights to demonstrate and communicate in forums of the most public variety: political campaign appearances. As an adjunct to its long-standing campaign to fight abortion on the private and social level, the respondent advised citizens regarding peaceful demonstration tactics when the issue of abortion was interjected into the presidential campaign. However, respondent's minimal expenditure was not made on behalf of any political candidate or party, but merely on behalf of the anti-abortion cause and those it seeks to protect.

Respectfully submitted,

*Edward R. Grant*

Edward R. Grant  
230 No. Michigan Ave.  
Suite 915  
Chicago, IL 60601  
312/263-6709

cc: Joseph M. Scheidler  
Gail M. Harmon, Esq.

Attorney for Respondent  
Pro-Life Action League

Enclosures (2)

85040511489



# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

*Super Mills 38415 Plymouth  
313-464-3169 Gwinna MI  
W8152*

July 27, 1984

Dear Activist Pro-Lifer,

A meeting of pro-life activists agreed both at our own national convention in Ft. Lauderdale in May, and at the National Right to Life convention in Kansas City in June, that we would demonstrate against the pro-abortion Democratic candidates for the top offices wherever they appeared, and that we would coordinate our demonstrations in such a way that the candidates and the press would see that the effort is unified.

Enclosed is a directive that may help with this program. We have used this method on a number of occasions in Chicago, Indianapolis and elsewhere, and have found it to be very effective. It gets good crowd response and media attention, but is especially effective in sending a chilling message to the candidates that there is a carefully coordinated plan to defeat them.

Another advantage to this coordinated effort is that it catches the imagination of the traveling media, the reporters who follow the campaign trail with the candidates. They will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the "conspiratorial nature" of the opposition's demonstrations.

We would appreciate hearing from you regarding this suggested program. If you plan to use it, or parts of it, please let us know how it works in your area. Let us know any weaknesses you might have found but also the reaction you get from the people who take part, the people in the crowd, the media coverage you get and any other comments you want to pass on.

We are alerting our religious leaders in Chicago that we will not only picket all Ferraro-Fritz appearances but that use of Church facilities will bring infiltration and disruption of any talks given by either of this pair. You might consider doing the same.

Respectfully in Life,

*Joe Scheidler*

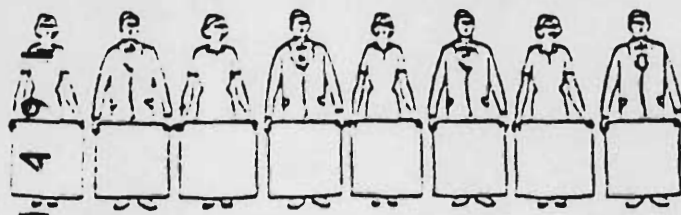
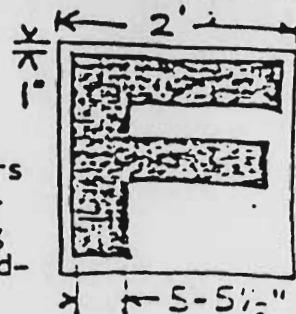
Joseph M. Scheidler  
Executive Director

Enclosure ( 1 )

# HOW TO CONVINCE POLITICAL PICKETS OF MONDALE-FERRARO

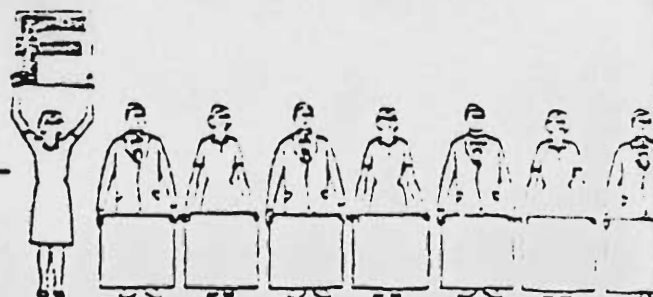
## FOR OUTSIDE APPEARANCES

- ① Purchase sheets of 3/16" Foamcore or white poster board from your local art supply store. Also, buy water-repellent, quick-drying black paint and a 1/2" or 1" brush. The message you want to spell out is: FERRARO & FRITZ BACK ABORTION. ("Ferraro" is intentionally named first.) Cut the boards into 25 smaller panels, each measuring approximately 2' by 2'. Cut one of these panels in half and paint an "I" on each one (for the "I's" in "FRITZ" and "ABORTION.") If either of the candidates appears separately in your area, you will have to say he or she "BACKS" abortion, so paint an "S" on another panel. Then paint all the remaining letters, one per panel. Letters should be as large as possible, extending almost to the edge of the board, 5" to 5 1/2" wide, as illustrated.

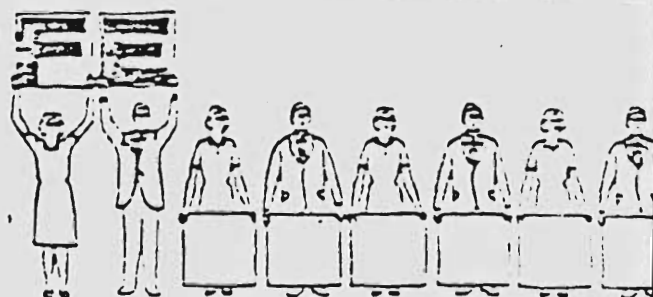


Before chant begins, boards are kept down at foot level, letters facing legs, as shown. Top and bottom should be marked on back side of each board. Be sure to leave a space of one arm length between words. A blank panel is not necessary.

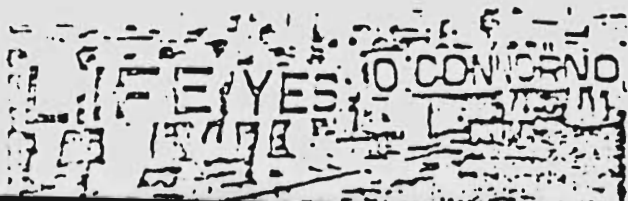
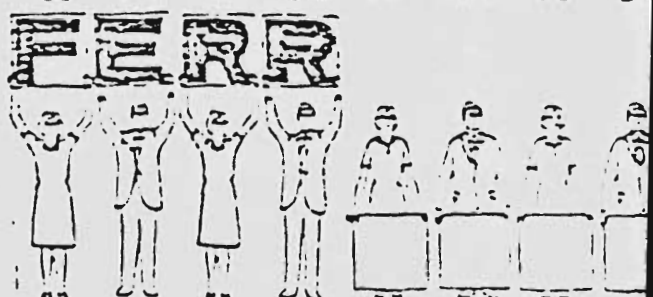
- ② When candidates approach, the leader calls out on a megaphone, "Give me an F!" and the first person in line raises his or her letter high overhead and keeps it there until the entire message is spelled out. The letter-holders and all members of the group repeat each letter as soon as it is called out, yelling "F!" "E!" "R!" etc.



- ③ The leader continues immediately, "Give me an E!" and the second person raises the "E" up next to the "F". The chant is repeated quickly as the leader calls for the rest of the letters, "R", "R"... "A"... "R"... until the entire message is spelled out. The letter on the front of the board should be indicated in small type on the back to avoid mistakes.



- ④ After the "R" has been displayed, the leader asks, "What do we say?", to which all respond loudly, "Ferraro and Fritz back abortion!" The leader then begins the chant, "Life yes, abortion no!... Life yes, Ferraro no!... Life yes, abortion no!... Life yes, Fritz no!..."



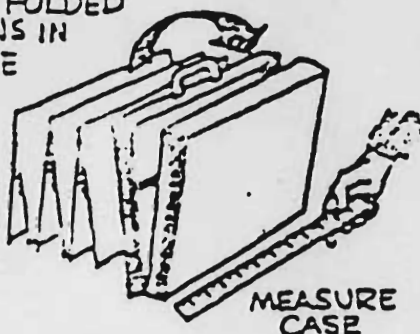
This photo shows how it's done, but there's no space between "NO" and "O' CONCORD" and too much space between the "L" and "I" in "LIFE." Also, letters are not held above the head for maximum visibility and impact. Watch such details and your demonstration will be effective.

The campaign to direct attention to Ferraro and Mondale will require that signs be brought inside the halls, auditoria, churches and conference rooms as well. Signs large enough to be effective and grab media attention can be carried into such areas and displayed at the appropriate time. The trick is to fold them in half and conceal them in your briefcase or handbag, or under your coat or jacket.

A typical attache case is anywhere from 14" X 9½" to 17" X 11." If you double those measurements, you have a sign 14" X 19" or 17" X 22" and that's big enough to do the job and get the message across. Several signs can be inserted in a case or bag, to be distributed to other pro-lifers inside, so not everyone need carry a case or bag.

To make your folding sign, simply measure your briefcase or handbag to see how large a sign can be put into it. Then double the smaller measurement and cut a sheet of poster board that size. After your message ("FERRARO & FRITZ BACK ABORTION" or some other appropriate statement) has been painted on it as large and bold as possible, turn the board over and cut gently down the middle where you want the fold to be. Be sure to cut only as deep as necessary to enable the board to be folded and still retain its strength. (If you cut too deeply and fear the board may tear, affix clear Scotch tape on the front side over the cut.)

PUT FOLDED  
SIGNS IN  
CASE



MEASURE  
CASE

If many pro-lifers infiltrate appearances by these pro-abortion candidates and display these signs all at once, while shouting, "Abortion!" whenever they refer to

life-related issues, the effect on the speakers as well as the public and media can be great.

It's just as important to bark out, "Abortion!", every time Ferraro or Mondale touch on a life issue as it is to display the signs. Newspaper and TV cameras can ignore the signs, but radio and TV microphones pick up these cries and comments. They cannot be deleted easily without also deleting what the candidates are saying. If these tactics are used consistently across the country by pro-lifers, our message will get the coverage it deserves.

The purpose of this systematic approach to picketing the Democratic national platform is threefold: First, it will become clear to the candidates that there is an organized program of protest when they see the same pattern wherever they go. This will send them a message that pro-life activists are well organized against their platform. These visuals will telegraph to them that there is effective planning behind the scenes. Second, the traveling press follow the candidates wherever they go and will see the pattern in these demonstrations and will eventually question Ferraro and Mondale on their reaction to this "conspiracy." Third, this overt action will keep the abortion issue alive throughout the campaign. When interviewed by the press, we can detail both candidates' abortion stand. Have a statement printed and ready for the press containing their pro-abortion statements. For more information, call THE PRO-LIFE ACTION LEAGUE at (312) 777-2900.



Joseph M. Scheidler, Executive Director.



# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60648 Office (312) 777-2900 Newsline (312) 777-2525

November 1, 1984

Charles N. Steele  
General Counsel  
Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Attn: Matthew Gerson  
Subj: MUR 1826

Dear Mr. Gerson,

Thank you for your letter of October 25 notifying me that on October 19 the Commission received a complaint from the National Abortion Rights Action League alleging that the Pro-Life Action League violated sections of the Federal Election Campaign Act of 1971.

I would like to demonstrate that no action should be taken against the Pro-Life Action League in connection with this matter and hope this complaint will be dismissed for lack of merit.

I am going to be represented by counsel in this matter and have so advised the Commission by sending the letter of presentation. My counsel will want to receive all communications from the Commission.

Regarding the facts as presented by NARAL, I submit that the Pro-Life Action League has not published a book entitled: CLOSED: 99 Ways to Shut Down the Abortion Industry. This book is in the process of being written, and will be published sometime in early 1985. Nobody but the publisher has seen copy, and there is nothing in it that encourages "often virulent demonstrations." Nor has it been "associated with bombings and other acts of violence against medical clinics which provide abortion services." There is a chapter on "Violence. Why It Won't Work." The "facts" as put forth by NARAL in this paragraph are fiction.

The suggestion that our pickets of Geraldine Ferraro because of her pro-abortion stand has cost a great deal of money is also untrue. The total amount spent on our efforts to keep the abortion issue alive during this campaign has been as follows:

Flier on how to picket.....	\$ 31.20
Letter to accompany flier.....	17.00
Envelopes.....	10.00
Postage to send flier.....	50.00
Ferraro Position Paper.....	41.00
Ferraro flier (Donhaue Show).....	23.05
Trip to New York (7/30/84).....	238.00
Long Distance calls.....	64.00

\$424.25 TOTAL EXPENSES

Once the flier and its accompanying letter explaining the program to be followed was sent, only a few calls had to be made to promote the undertaking. For the most part people called our office to report their plans. Signs were most often made with existing materials by volunteers at various Ferraro appearances.

NARAL interprets a statement in my letter of July 27, 1984, that the candidates will see a carefully coordinated plan "to defeat them," to allude to their political defeat. It never occurred to us that there was any question about the political defeat of the Mondale-Ferraro ticket. The defeat I am addressing is Mondale's plan to win the Catholic vote by selecting a "Catholic" like Ferraro and the defeat of Ferraro's attempt to sell herself as "pro-life" merely by saying she is personally opposed to abortion.

The purpose of the Mondale-Ferraro demonstrations was to make abortion a major campaign issue by challenging the candidates' positions. If bringing up the abortion issue at gatherings was enough to "defeat" the candidates, that would contradict the abortionists theory that the majority of Americans favor abortion. Pointing out the Mondale-Ferraro pro-abortion stand would only help them, not "defeat" them.

NARAL suggests that we should picket Vice-President George Bush and President Reagan, since they supported abortion in the past. As a matter of fact, we did picket George Bush when he was running in the Republican Primary against Ronald Reagan in 1980 because of his stand on abortion that allowed for exceptions, though he never supported federal funding of abortion.

We also picketed President Reagan when he nominated in July 1981, Sandra Day O'Connor to the U. S. Supreme Court. Mrs. O'Connor had a pro-abortion voting record dating from her time in the Arizona legislature and we feared President Reagan had not considered this in making his selection. We were subsequently satisfied that this was a wise selection.

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These are my comments on the facts as presented by NARAL's attorneys. I will allow my attorney to address the legal issue.

Respectfully in Life,

*Joseph M. Scheidler*

Joseph M. Scheidler  
Executive Director



rd R. Grant  
N. Michigan  
e 915  
ag IL 60601



Matthew Gerson, Esq.  
Federal Election Commission  
Washington DC 20463

DEC 12 1963 8:50

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STATEMENT OF DESIGNATION OF COUNSEL

RECEIVED AT THE FEC  
GCC# 5650  
84 NOV 16 A9:25

MUR 1826

NAME OF COUNSEL: John Jakubczyk

ADDRESS: 10 E. Mitchell Drive

Phoenix, AZ 85012

TELEPHONE: (602) 234-3912

34 NOV 16 A10:37

GENERAL COUNSEL

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.

Date

11/14/84

Signature

Joseph M. Scheidler

RESPONDENT'S NAME: Joseph M. Scheidler

ADDRESS: PRO-LIFE ACTION LEAGUE

6160 N. Cicero Avenue - #210

Chicago, IL 60646

HOME PHONE: (312) 774-1030

BUSINESS PHONE: (312) 777-2900

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1826

NAME OF COUNSEL: Edward Grant

ADDRESS: AMERICANS UNITED FOR LIFE

230 N. Michigan Avenue - #915

Chicago, IL 60601

TELEPHONE: (312) 263-5386

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.

Date

11/14/84

Signature

Joseph M. Scheidler

RESPONDENT'S NAME: Joseph M. Scheidler

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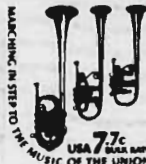
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# RO-LIFE ACTION LEAGUE

N. Cicero Ave. Suite 210 Chicago, IL 60646



FRANCIS  
PARKMAN  
AMERICAN  
WESTERN  
U.S. POSTAGE



Mr. Matthew Gerson  
FEDERAL ELECTION COMMISSION  
Washington, DC 20463

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FEC

# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

Federal Election Commission  
Washington D.C., 20463

November 7, 1984

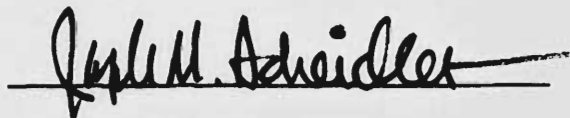
Attn: Matthew Gerson

Re: MUR 1826

## STATEMENT OF DESIGNATION OF COUNSEL

Edward R. Grant, Esq.  
Suite 915  
230 North Michigan Ave.  
Chicago, IL 60601  
(312 ) 263-5386

The above named individual is hereby designated as my  
counsel and is authorized to receive any notification and  
communication from the Commission and to act on my behalf.



Joseph M. Scheidler  
Suite 210  
6160 North Cicero Ave.  
Chicago, IL 60646  
( 312 ) 777-2900

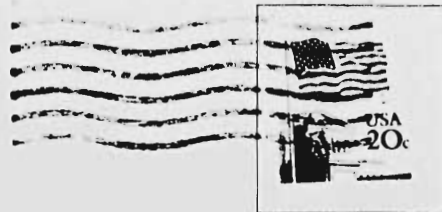
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AID: 38  
GENERAL COUNCIL



# PRO-LIFE ACTION LEAGUE

N. Cicero Ave. Suite 210 Chicago, IL 60646



Matthew Gerson  
FEDERAL ELECTION COMMISSION  
Washington, DC 20463

350405115

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# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newswire (312) 777-2525

November 1, 1984

Charles N. Steele  
General Counsel  
Kenneth A. Gross  
Associate General Counsel  
Federal Election Commission  
Washington, DC 20463

Attn: Matthew Gerson  
Subj: MUR 1826

14 NOV 5 11:28

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86040611501

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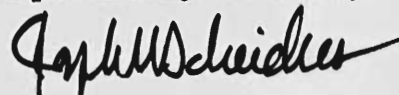
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These are my comments on the facts as presented by NARAL's attorneys. I will allow my attorney to address the legal issue.

Respectfully in Life,



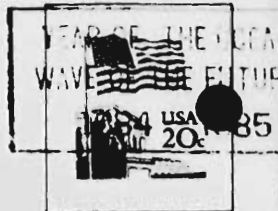
Joseph M. Scheidler  
Executive Director

JMS:bam

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N. Cicero Ave. Suite 210 Chicago, IL 60646

NAME: Matthew Gerson



Kenneth A. Gross  
Associated General Counsel  
Federal Election Commission  
Washington, DC 20463

84 NOV 5 2:00





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 5, 1984

Gail M. Harmon, Esquire  
Harmon, Weiss and Jordan  
2001 "S" Street, N.W.  
Suite 430  
Washington, D.C. 20009

Dear Ms. Harmon:

On October 19, 1984, the Federal Election Commission received your letter alleging that the Pro-Life Action League (hereinafter the "League") violated the Federal Election Campaign Act of 1971, as amended.

Your letter seeks injunctive relief to prevent the League from continuing its alleged misuse of corporate funds. At this time, there is insufficient evidence to warrant the Commission's seeking such relief.

If you have any questions, please do not hesitate to contact me at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

86040511504





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 5, 1984

Joseph M. Scheidler,  
Director  
Pro-Life Action League  
6160 North Cicero Avenue  
Chicago, Illinois 60646

RE: MUR 1826

Dear Mr. Scheidler:

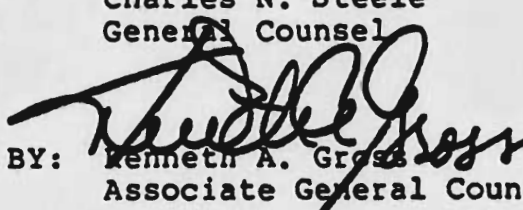
The Federal Election Commission notified you on October 25, 1984, of a complaint alleging that the Pro-Life Action League (hereinafter the "League") violated certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

The complainant seeks injunctive relief to prevent the League from continuing its alleged misuse of corporate funds. Please be advised that the Commission is not commencing any action for injunctive relief at this time.

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter, at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

86040611505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 1826  
Pro-Life Action League )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 2, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1826:

1. Do not seek injunctive action at this time.
2. Approve the letters, attached to the General Counsel's Memorandum to the Commission dated November 1, 1984, advising the complainant and respondent of the Commission's decision not to undertake injunctive action at this time.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

11-2-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

Received in Office of Commission Secretary:  
Circulated on expedited tally basis:

11-1-84, 2:20  
11-1-84, 4:00

86040511506



**SENSITIVE**

FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
OFFICE OF THE FEC  
SECRETARY

REC'D  
OFFICE OF  
COMMISSION

84 NOV 1 P2:20

84 NOV 1

November 1, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel *[Signature]*

SUBJECT: MUR 1826

**BACKGROUND**

The National Abortion Rights Action League (hereinafter "NARAL") alleges that the Pro-Life Action League (hereinafter the "League") violated 2 U.S.C. §§ 441b and 26 U.S.C. 9012(f).

The League, a Not-for-Profit corporation, may not make contributions or expenditures in connection with any federal election. 2 U.S.C. § 441b. While the regulations permit a corporation to make partisan communications in connection with a federal election to a restricted class of stockholders and employees, no corporation may make expenditures for partisan communications to the general public. 11 C.F.R. § 114.3(a). The League circulated a letter outlining methods for demonstrating against Mondale and Ferraro during the Democratic candidates' campaign stops. The letter encourages anti-abortion groups to participate in a "carefully coordinated plan to defeat the Mondale-Ferraro ticket." Thus, if the the League distributed this letter beyond its membership, it may have violated the Act. While a Detroit Free Press article discussing the League's effort states that the letter was sent to "members," the same article also states that the League's Michigan director "passed out copies of (the letter)," presumably to the press. The distribution of those letters to the press may be prima facie evidence of communication beyond the League's membership.

The League's letter states, "we have used this method (of demonstrating against Mondale-Ferraro) on a number of occasions.... It gets good crowd response and media attention...." The fact that the League admittedly used this public technique on "number of occasions" suggests that the League may have used corporate money to send a message beyond the restricted class each time it held up partisan signs at a public rally.

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NARAL also alleges a 26 U.S.C. § 9012(f) violation. Finally, NARAL offers their concern that some of this activity is coordinated with the President's campaign staff and, thus, not "independent". This last allegation arises out of an NBC News report quoting Republican sources as saying the White House was orchestrating some of the anti-abortion picketing. Their position is supplemented by the Washington Post's report that the League's director said that he has attempted to coordinate activities with the Republican Party.

The Office of the General Counsel cannot recommend that the Commission find no reason to believe. We will, therefore, wait until the fifteen day response period expires before providing the Commission with a complete analysis of the allegations and with additional recommendations.

#### INJUNCTIVE RELIEF

NARAL seeks injunctive relief. The Commission is empowered to initiate such a civil action if it is unable to correct or prevent a violation of the Act. 2 U.S.C. §§ 437d(a)(6) and 437g(a)(6). However, the procedure for pursuing that immediate remedy is problematic since the Commission must normally wait fifteen days before it takes action on a complaint. While it would seem that under extraordinary circumstances the fifteen day response period could be shortened, there is only one precedent for doing so and the respondents in that case did in fact respond within a shortened time period. (MUR 1170). Thus, the Commission has never taken action without yielding to one's right to respond. Nonetheless, when time is of the essence, we recommend that the Commission adopt the high standard required to obtain a temporary restraining order. See First General Counsels Report for MURS 1167, 1168, and 1170 - The Nashua Telegraph Case - approved by the Commission February 21, 1980. Thus, while the Commission should not ordinarily proceed before the response period expires, it may authorize seeking injunctive relief when:

- (1) There is a substantial likelihood that the complaint sets forth a violation of the Act;
- (2) Failure of the Commission to act expeditiously will result in irreparable harm to the complainant or some other party;
- (3) Expeditious action will not result in undue harm or prejudice to the interests of other persons;
- (4) The public interest would be served by such expeditious handling of the matter.

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Certain facts in this case are still undetermined. For example, we do not know to whom the Michigan Director distributed copies of the letter. The letter may have been distributed to members who then passed it on to the press. While the League admitted using this technique before, we do know that corporate money was utilized to pay for these demonstrations. League members may have used their personal funds. Therefore, this Office cannot be certain that it is appropriate to seek injunctive relief. Expeditionary action may very well result in undue harm to the League's first amendment interests. Thus, we are not recommending that injunctive action be taken at this time. If the Commission agrees, we ask that it approve the attached letters to the respondent and complainant.

#### RECOMMENDATIONS

1. Do not seek injunctive action at this time.
2. Approve the attached letters advising the complainant and respondent of the Commission's decision not to undertake injunctive action at this time.

Attachments

86040511509





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Joseph M. Scheidler,  
Director  
Pro-Life Action League  
6160 North Cicero Avenue  
Chicago, Illinois 60646

RE: MUR 1826

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If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter, at (202) 523-4143.

Sincerely;

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

86040611510



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

Gail M. Harmon, Esquire  
Harmon, Weiss and Jordan  
2001 "S" Street, N.W.  
Suite 430  
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Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

86040511511



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 25, 1984

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

National Abortion Rights Action League  
c/o Gail Harmon, Esquire  
HARMON, WEISS & JORDAN  
2001 S Street, N.W.  
Suite 430  
Washington, D.C. 20009

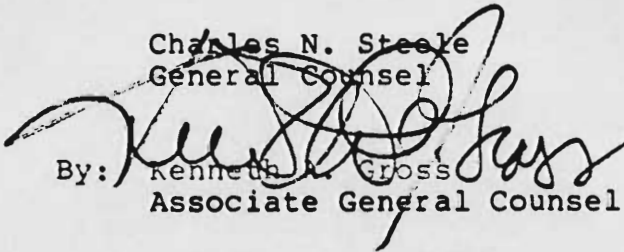
Dear Ms. Harmon:

This letter is to acknowledge receipt of the complaint of your client, National Abortion Rights Action League, which we received on October 19, 1984, against Pro-Life Action League which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent(s) will be notified of this complaint within 24 hours. 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.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(B) and § 437g(a)(12)(A) unless the respondent notifies the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosure

86040611512



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 25, 1984

SPECIAL DELIVERY  
RETURN RECEIPT REQUESTED

Joseph M. Scheidler  
Director  
Pro-Life Action League  
6160 North Cicero Avenue  
Chicago, Illinois 60646

RE: MUR 1826

Dear Mr. Scheidler:

This letter is to notify you that on October 19, 1984, the Federal Election Commission received a complaint which alleges that Pro-Life Action League violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1826. 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 Pro-Life Action League in connection with this matter. You may respond to the allegations made against you within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, Pro-Life Action League will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

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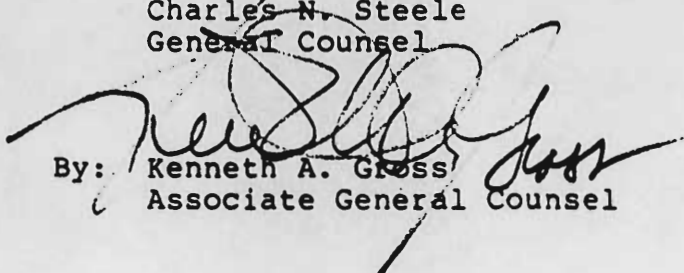
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission, in writing, that you wish the matter to be made public.

If you 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 Matthew Gerson, the staff person assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By:   
Kenneth A. Gross  
Associate General Counsel

Enclosures  
Complaint  
Procedures  
Envelope

86040511514



## HARMON, WEISS &amp; JORDAN

2001 S STREET, N.W.

SUITE 430

WASHINGTON, D.C. 20009

RECEIVED AT THE FEC  
HAND DELIVERED

84 OCT 19 P 3: 33

GAIL MCGREEVY HARMON  
ELLYN R. WEISS  
WILLIAM S. JORDAN, III  
DIANE CURRAN  
DEAN R. TOUSLEYTELEPHONE  
(202) 328-3500

October 18, 1984

Federal Election Commission  
1311 K Street, N.W.  
Washington, D.C. 20005mur  
1826

84 OCT 19 P 3: 33

RECEIVED  
GENERAL INVESTIGATIVE  
DIVISION

Dear Madam/Sir,

On behalf of the National Abortion Rights Action League (NARAL) I am filing the following complaint against the Pro-Life Action League ("the League"). We believe that the League has violated the §441(b) rules against corporate expenditures in connection with federal campaigns and may have violated the prohibitions on contributions to federally financed Presidential campaigns. We seek an immediate investigation and prompt enforcement action.

## FACTS-

The Pro-Life Action League was incorporated in Illinois on April 17, 1980, as a not for profit corporation. A copy of its Articles of Incorporation is attached as Exhibit "A". A recent search of the records at the Federal Election Commission failed to show that the League had registered as a political committee or had created a separate segregated fund

Until the 1984 election campaign, the major program of the Pro-Life Action League had been the publication of a book entitled "Closed: 99 Ways to Shut down the Abortion Industry." This book and the often virulent demonstrations it encourages have been associated with bombings and other acts of violence against medical clinics which provide abortion services.

Immediately after the 1984 Democratic National Convention which nominated Geraldine Ferraro for Vice President, the League's Executive Director, Joseph M. Scheidler, mailed on League letterhead a directive describing a "carefully coordinated plan to defeat the Mondale-Ferraro ticket." (Exhibit B). Subsequent communications have instructed demonstrators to drop references to Fritz and to focus on Ferraro. (see Detroit Free Press Article attached as Exhibit C).

It is not clear yet how much this campaign has cost, but the costs must be substantial. The initial mailing presumably went to many groups. In addition, Scheidler states he has been in touch with anti-abortion groups in almost every city visited by

8604061515

HARMON, WEISS & JORDAN

Federal Election Commission

October 18, 1984

Page 2

Mondale or Ferraro since late July; (See Washington Post article attached as Exhibit D). Presumably he has incurred huge long distance charges to telephone them, to answer questions, and to urge that they demonstrate.

While Geraldine Ferraro has been the principal target of anti-abortion pickets, she is not the only pro-choice candidate for national office. Vice President Bush supports the right to abortion in some cases and President Reagan is the only national candidate to have signed a law licensing abortion.

LAW

2 U.S.C. 441(b) prohibits corporate expenditures "in connection with" any election. The regulations published by the Federal Election Commission provide that corporations may not make partisan communications to the general public in connection with a federal election. 11 CFR 114.3. Subsequent sections of the regulations and related Advisory Opinions make clear that these pickets are not engaged in nonpartisan communications. 11 CFR 114.4 and A.O.'s 1983-43 and 1984-14.

The general rules prohibiting corporate involvement in federal elections apply to Presidential campaigns; our current system of public financing of Presidential campaigns adds additional prohibitions on most contributions by individuals or pacs.<sup>1</sup> Furthermore, the statute and the FEC interpretation of it prohibit expenditures in excess of \$1000. 26 USC 9012(f)(1). While there may be substantial doubt as to whether "independent expenditures" can be prohibited in presidential races, independent expenditures are limited to those expenditures made without consultation with any candidates or his/her authorized committee.

ARGUMENT

The League's campaign to defeat Geraldine Ferraro violates 2 U.S.C. 441(b) and 26 U.S.C. 9012(f).

As Scheidler's letter clearly states, this is a campaign to defeat a candidate. Although the League may allege that this is merely an effort to discuss an important issue of public policy,

---

<sup>1</sup> The limited exceptions, such as that for contributions to a compliance fund, are not relevant.

<sup>2</sup> See Common Cause v. Schmitt

8504051516

HARMON, WEISS & JORDAN  
Federal Election Commission  
October 18, 1984  
Page 3

the facts show this is not the case. Schiedler's letter describes the effort as one to defeat Mondale - Ferraro. If the League was merely trying to encourage a rational discussion of its issue, it would enter into a civilized dialogue. If it were trying to draw public attention to its issue, it would picket Vice President Bush who does not accept the League's positions on abortion.

The Washington Post article mentions one specific example of the League's, in that case unsuccessful, efforts to coordinate with the Republican Party. Such coordination, of course, prevents expenditures from being "independent"; other instances of coordination should be investigated, particularly in light of press reports of other Ferraro hecklers having received instructions from Republican operatives.

We seek an immediate investigation of these charges and the prompt initiation of enforcement actions. Since the League is attempting to influence the outcome of the November 6, 1984, election with illegal corporate expenditures, we seek expedited processing of the complaint and an immediate application for injunctive relief.

Sincerely,

*Gail M. Harmon*  
Gail M. Harmon

IN WITNESS WHEREOF, I have hereunto set my hands and seals  
this October 19th 1984.

Subscribed and sworn to  
before me this 19 day of  
October, 1984.

*Blanca M. Bay*  
NOTARY PUBLIC

cc: Nanette Falkenberg

Enclosures

8604031517

Exhibit A

Certificate NO. 34488



To all to whom these Presents Shall Come, Greeting:

**Whereas,** ARTICLES OF INCORPORATION, duly signed and verified of PRO-LIFE ACTION LEAGUE, INC. incorporated under the laws of the State of ILLINOIS have been filed in the Office of the Secretary of State as provided by The "General Not For Profit Corporation Act" of Illinois, in force January 1, A.D. 1944.

Now Therefore, I, ALAN I. DIXON, Secretary of State of the State of Illinois by virtue of the powers vested in me by law, do hereby issue this certificate and attach thereto a copy of the Application of the aforesaid corporation.

In Testimony Whereof, I have set my hand and cause to be affixed the Great Seal of the State of Illinois  
Done at the City of Springfield this 17th  
day of April AD 1980 and  
of the Independence of the United States  
the two hundred and 4th

(SEAL)

*Alan I. Dixon*

3504051518

**ARTICLES OF INCORPORATION  
UNDER THE  
GENERAL NOT FOR PROFIT CORPORATION ACT**

(Please type or print using black ink)

(File and Stamp in This Space)

Date Paid 4-17-80

Filing Fee \$18.00

Class 20

Secretary of State, Springfield, Illinois.

We, the Incorporators		(Not less than three)		
Incorporator's Name	Number	Street	Address City	State
Ann Scheidler	6347	N. Leroy Ave.	Chicago	IL
Joseph Scheidler	6347	N. Leroy Ave.	Chicago	IL
Rosemary Stokes	6119	S. Tripp Ave.	Chicago	IL

being natural persons of the age of twenty-one years or more and citizens of the United States, for the purpose of forming a corporation under the "General Not for Profit Corporation Act" of the State of Illinois, do hereby adopt the following Articles of Incorporation:

1. The name of the corporation is: PRO-LIFE ACTION LEAGUE, INC. ✓

2. The duration of the corporation is ☒ perpetual OR \_\_\_\_\_ years

3. The name and address of the initial registered agent and registered office are

Registered Agent Joseph Scheidler

Registered Office 6347 N. Leroy Ave., Chicago, IL

City, Zip Code, County Chicago, 60646 Cook

(Do Not Use P. O. Box)

4. The first Board of Directors shall be Three in number, their names and addresses being as follows:

Director's Name	Number	Street	Address City	State
Ann Scheidler	6347	N. Leroy Ave.	Chicago	IL
Joseph Scheidler	6347	N. Leroy Ave.	Chicago	IL
Rosemary Stokes	6119	S. Tripp Ave.	Chicago	IL

5. The purposes for which the corporation is organized are

The promotion of the social good and welfare of the people of the community, and to that end to render, without pecuniary profit to any of any of its members, from its funds and property or any income therefrom or accretion thereto, including but not limited to: materials, facilities, public speakers advice, educational and informative literature worthy of public distribution, participation in forums, lectures and other educational programs dealing with questions relating to the right of each individual to life from the moment of conception to the moment of natural death, or as to inform its members and the public about said subject, assistance in promoting the rights of the unborn and defenseless humans, to study and report on abortion, fetal and human medical experimentation, euthanasia and so-called mercy killings and their effects, to receive and administer funds for said purposes or any of them, either directly or indirectly, and for no other purposes; and in general to exercise any, all and every power for which a non-profit corporation organized for the promotion to the aforementioned purposes, or any of them, may exercise under the Act, or any revision thereof, under which this corporation is organized, but no other power.



No. 5304-279-J

Form No. 29

ARTICLES OF INCORPORATION

under the  
GENERAL NOT FOR PROFIT  
CORPORATION ACT

FILED

SECRETARY OF STATE  
INCORPORATION DEPARTMENT  
SPRINGFIELD, ILLINOIS 62756  
TELEPHONE (217) 782-7888

Always provide three (3) copies and file in duplicate

File for \$10.00

6-100-1

(NOTE: Any special provision authorized or permitted by statute to be contained in the Articles of Incorporation, may be inserted above.)

(INCORPORATORS MUST SIGN BELOW)

(Each signer must attach original signature)

James H. Delvidor  
Secretary of State  
Springfield, Ill.  
Candidate

Incumbent

As the incorporator, we declare that this document has been executed and is, to the best of our knowledge and belief, true, correct and complete.

The registered agent cannot be the incorporator.

The registered agent may be an individual, resident in this State, or a domestic or foreign corporation, authorized to act as a registered agent.

The registered office may be, but need not be, the same as its principal office.



To all to whom these presents shall come, Greeting:

Whereas, Articles of Amendment to the Articles of Incorporation duly signed and verified of

PRO-LIFE ACTION LEAGUE, INC.

have been filed in the Office of the Secretary of State on the 15th day of AUGUST A.D. 1920, as provided by the GENERAL NOT FOR PROFIT CORPORATION ACT of Illinois approved July 17, 1918 in force January 1, 1919.

Now Therefore I, ALAN J. DIXON, Secretary of State of the State of Illinois, by virtue of the power vested in me by law, do hereby issue this Certificate of Amendment and attach thereto a copy of the Articles of Amendment to the Articles of Incorporation of the aforesaid corporation.

In Testimony Whereof, I have set my hand and cause to be affixed the Great Seal of the State of Illinois  
I gave at the City of Springfield this 15th day of AUGUST A.D. 1920 and of the Independence of the United States the two hundred and 5th

(SEAL)

Alan J. Dixon  
SECRETARY OF STATE

day of August, 1980

Place  
(CORPORATE SEAL)  
Here

Joseph M. Schneider  
Gregory T. Schaefer

As authorized officers, we declare that this document has been examined by us and is, to the best of our knowledge and belief, true, correct and complete.

STATE OF ILLINOIS  
COUNTY OF COOK

I, ROBERT A. WIDMAIER, a Notary Public, do hereby certify that on the 14<sup>th</sup> day of August, 1980, JOSEPH M. SCHNEIDER personally appeared before me and, being first duly sworn by me, acknowledged that he signed the foregoing document in the capacity therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.

Place  
(NOTARIAL SEAL)  
Here

Robert A. Widmaier  
Notary Public.

FILE NO. 5204 379-4

ARTICLES OF AMENDMENT to the ARTICLES OF INCORPORATION

SECRETARY OF STATE  
INCORPORATION DEPARTMENT  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 782-7880

PAID AUG 15 1980

FILE IN INDIANATI  
FILE NO. 5204 379-4

FORM NO. 15

Date 8-15-80  
Filing Fee \$ 25.00  
Clerk: [Signature]ARTICLES OF AMENDMENT  
to the  
ARTICLES OF INCORPORATION  
under the  
GENERAL NOT FOR PROFIT CORPORATION ACT

To HON. J. H. HANCOCK, Secretary of State, Springfield, Illinois:

The undersigned corporation, for the purpose of amending its Articles of Incorporation and pursuant to the provisions of Section 35 of the "General Not For Profit Corporation Act" of the State of Illinois, hereby enacts the following Articles of Amendment:

PRO-LIFE ACTION LEAGUE, INC.

1. The name of the corporation is PRO-LIFE ACTION LEAGUE, INC.
2. There are No members, having voting rights with respect to amendments:  
(Strike "No" or "Number")

(Strike paragraphs (a), (b), or (c) not applicable)

2. (a) ~~At a meeting of members, at which a quorum was present, held on August 6, 1980, same receiving at least two-thirds (2/3) of the votes entitled to be cast by the members of the corporation present or represented by proxy at such meeting.~~

(b) ~~By a consent in writing signed by all members of the corporation entitled to vote with respect to amendments.~~

(c) ~~At a meeting of directors (members having no voting rights with respect to amendments) held on August 6, 1980, same receiving the votes of a majority of the directors then~~

in office, the following amendment or amendments were adopted in the manner prescribed by the "General Not For Profit Corporation Act" of the State of Illinois:

1. Inurement of Income. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, trustees, officers or other private persons except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered.

2. Legislative or Political Activities. No substantial part of the activities of the corporation shall be the carrying on of propaganda or attempting to influence legislation and the corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

3. Operational Limitations. Notwithstanding any other provisions of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from Federal Income Tax under Section 501 (c) (3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law)/

4. Dissolution Clause. Upon the dissolution of the corporation, the Board of Directors shall, after paying or making provisions for the payment of all of the liabilities of the corporation, dispose of all of the assets of the corporation exclusively for the purposes of the corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall at the time qualify, or

except organization or organization under Section 501 (c)(3) of the Internal Revenue Code of 1954 (or the corresponding provisions of any future United States Internal Revenue Law) as the Board of Directors shall determine. Any of such assets not so disposed of shall be disposed of by the Circuit Court of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated.

Belinda L. Montoya  
History Public



SECRETARY OF STATE  
CORPORATION DEPARTMENT  
MANCHESTER, NEW HAMPSHIRE  
TELEPHONE 222-2222

**REVEREND**

COPIES OF THE

[illegible]

Решаю: Засл. в.о. - 10000 и 10000

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# PRO-LIFE ACTION LEAGUE

Joseph M. Scheidler, Director 6160 N. Cicero Ave. Chicago, IL 60646 Office (312) 777-2900 Newsline (312) 777-2525

Sharon Mills 38415 Plymouth  
313-464-3169 Yvernia Ave  
W8152

July 27, 1984

Dear Activist Pro-Lifer,

A meeting of pro-life activists agreed both at our own national convention in Ft. Lauderdale in May, and at the National Right to Life convention in Kansas City in June, that we would demonstrate against the pro-abortion Democratic candidates for the top offices wherever they appeared, and that we would coordinate our demonstrations in such a way that the candidates and the press would see that the effort is unified.

Enclosed is a directive that may help with this program. We have used this method on a number of occasions in Chicago, Indianapolis and elsewhere, and have found it to be very effective. It gets good crowd response and media attention, but is especially effective in sending a chilling message to the candidates that there is a carefully coordinated plan to defeat them.

Another advantage to this coordinated effort is that it catches the imagination of the traveling media, the reporters who follow the campaign trail with the candidates. They will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the "conspiratorial nature" of the opposition's demonstrations.

We would appreciate hearing from you regarding this suggested program. If you plan to use it, or parts of it, please let us know how it works in your area. Let us know any weaknesses you might have found but also the reaction you get from the people who take part, the people in the crowd, the media coverage you get and any other comments you want to pass on.

We are alerting our religious leaders in Chicago that we will not only picket all Ferraro-Fritz appearances but that use of Church facilities will bring infiltration and disruption of any talks given by either of this pair. You might consider doing the same.

Respectfully in Life,

  
Joseph M. Scheidler  
Executive Director

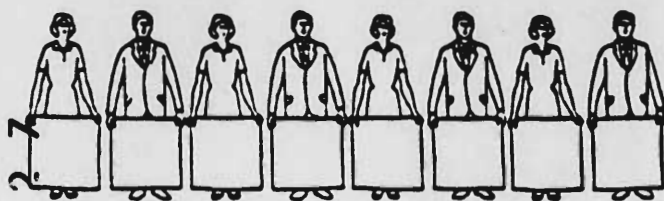
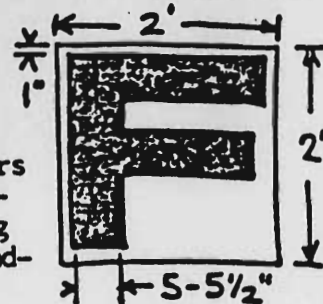
Enclosure ( 1 )

8604051526

# HOW TO COORDINATE POLITICAL PICKETS OF MONDALE-FERRARO

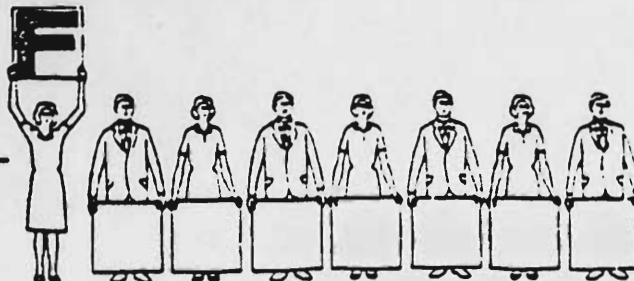
## FOR OUTSIDE APPEARANCES

- 1 Purchase sheets of 3/16" Foamcore or white poster board from your local art supply store. Also, buy water-repellent, quick-drying black paint and a 1/2" or 1" brush. The message you want to spell out is: FERRARO & FRITZ BACK ABORTION. ("Ferraro" is intentionally named first.) Cut the boards into 25 smaller panels, each measuring approximately 2' by 2'. Cut one of these panels in half and paint an "I" on each one (for the "I's" in "FRITZ" and "ABORTION.") If either of the candidates appears separately in your area, you will have to say he or she "BACKS" abortion, so paint an "S" on another panel. Then paint all the remaining letters, one per panel. Letters should be as large as possible, extending almost to the edge of the board, 5" to 5 1/2" wide, as illustrated.

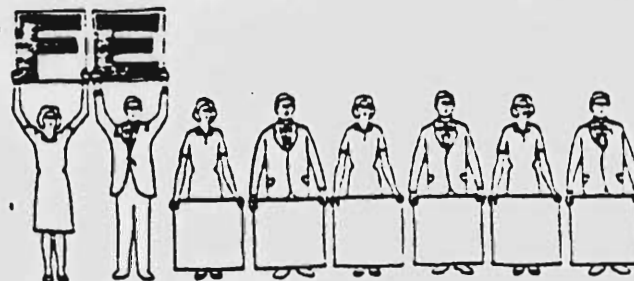


Before chant begins, boards are kept down at foot level, letters facing legs, as shown. Top and bottom should be marked on back side of each board. Be sure to leave a space of one arm length between words. A blank panel is not necessary.

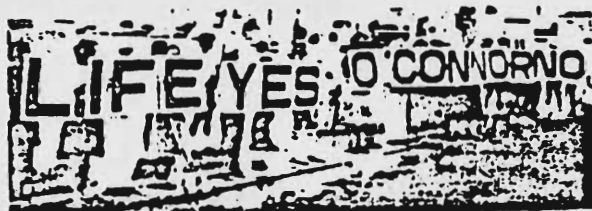
- 2 When candidates approach, the leader calls out on a megaphone, "Give me an F!" and the first person in line raises his or her letter high overhead and keeps it there until the entire message is spelled out. The letter-holders and all members of the group repeat each letter as soon as it is called out, yelling "F!" "E!" "R!" etc.



- 3 The leader continues immediately, "Give me an E!" and the second person raises the "E" up next to the "F". The chant is repeated quickly as the leader calls for the rest of the letters, "R", "R"... "A"... "R"... until the entire message is spelled out. The letter on the front of the board should be indicated in small type on the back to avoid mistakes.



- 4 After the "N" has been displayed, the leader asks, "What do we say?", to which all respond loudly, "Ferraro and Fritz back abortion!" The leader then begins the chant, "Life yes, abortion no!... Life yes, Ferraro no!... Life yes, abortion no!... Life yes, Fritz no!..."



This photo shows how it's done, but there's no space between "NO" and "O'CONNOR" and too much space between the "L" and "I" in "LIFE." Also, letters are not held above the head for maximum visibility and impact. Watch such details and your demonstration will be effective.

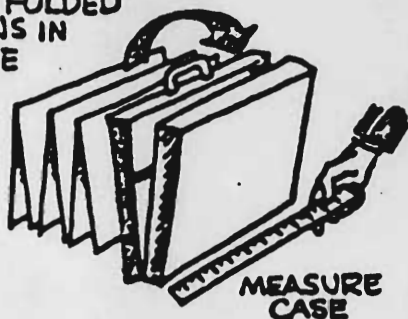


the campaign to direct attention to Ferraro and Mondale. Significant anti-life signs must be brought inside the halls, auditoria, churches and conference rooms as well. Signs large enough to be effective and grab media attention can be carried into such areas and displayed at the appropriate time. The trick is to fold them in half and conceal them in your briefcase or handbag, or under your coat or jacket.

A typical attache case is anywhere from 14" X 9½" to 17" X 11." If you double those measurements, you have a sign 14" X 19" or 17" X 22" and that's big enough to do the job and get the message across. Several signs can be inserted in a case or bag, to be distributed to other pro-lifers inside, so not everyone need carry a case or bag.

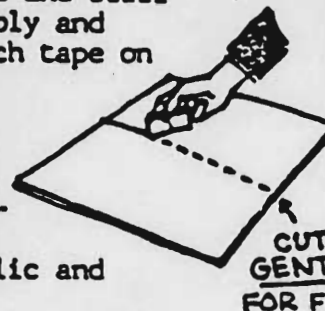
To make your folding sign, simply measure your briefcase or handbag to see how large a sign can be put into it. Then double the smaller measurement and cut a sheet of poster board that size. After your message ("FERRARO & FRITZ BACK ABORTION" or some other appropriate statement) has been painted on it as large and bold as possible, turn the board over and cut gently down the middle where you want the fold to be. Be sure to cut only as deep as necessary to enable the board to be folded and still retain its strength. (If you cut too deeply and fear the board may tear, affix clear Scotch tape on the front side over the cut.)

PUT FOLDED  
SIGNS IN  
CASE



If many pro-lifers infiltrate appearances by these pro-abortion candidates and display these signs all at once, while shouting, "Abortion!" whenever they refer to

life-related issues, the effect on the speakers as well as the public and media can be great.



It's just as important to bark out, "Abortion!", every time Ferraro or Mondale touch on a life issue as it is to display the signs. Newspaper and TV cameras can ignore the signs, but radio and TV microphones pick up these cries and comments. They cannot be deleted easily without also deleting what the candidates are saying. If these tactics are used consistently across the country by pro-lifers, our message will get the coverage it deserves.

The purpose of this systematic approach to picketing the Democratic national platform is threefold: First, it will become clear to the candidates that there is an organized program of protest when they see the same pattern wherever they go. This will send them a message that pro-life activists are well organized against their platform. These visuals will telegraph to them that there is effective planning behind the scenes. Second, the traveling press follow the candidates wherever they go and will see the pattern in these demonstrations and will eventually question Ferraro and Mondale on their reaction to this "conspiracy." Third, this overt action will keep the abortion issue alive throughout the campaign. When interviewed by the press, we can detail both candidates' abortion stand. Have a statement printed and ready for the press containing their pro-abortion statements. For more information, call THE PRO-LIFE ACTION LEAGUE at (312) 777-2900.



Joseph M. Scheidler, Executive Director.

# Letter tells how to picket Democrats

By PATRICIA MONTEMURRI  
Free Press Staff Writer

The Pro-Life Action League, which bills itself as an activist, non-violent group that trains "sidewalk counselors" to picket abortion clinics, has mailed members picketing instructions for campaign appearances by Democrats Walter Mondale and Geraldine Ferraro.

"It's not the Reagan-Bush campaign that's orchestrating the protests. It's our group," said Lynn Mills, the organization's Michigan director. She was at vice-presidential candidate Ferraro's campaign appearance Tuesday in Sterling Heights. A league

Walter Mondale calls his campaign against President Reagan "a fight for the heart and soul of America." A.A.

spokesman said it supports President Reagan "because he's 100 percent pro-life."

Mills, who said she was a postal carrier from Livonia, passed out copies of a July 27 letter that included step-by-step lessons for making signs that spell out "Ferraro and Fritz back Abortion."

BOTH MONDALE and Ferraro have been

met at campaign stops by vocal anti-abortion pickets.

A demonstration like that proposed in the Pro-Life League's letter was seen at a Ferraro appearance two weeks ago in Toledo. Protesters held signs that spelled out "Ferraro Backs Abortion."

Ferraro has complained that some anti-abortion picketing at her campaign stops appeared to be a part of a nationally organized campaign "by right-wingers." Last week, NBC quoted Republican sources as saying the White House was orchestrating

See PICKETERS, Page 15A

## July letter spells out how to picket Ferraro

PICKETERS, from Page 1A

Some of the anti-abortion picketing. Republican officials have denied involvement.

In Washington Tuesday, officials of Reagan's re-election campaign said they suspected political seminars conducted by Morton Blackwell, a former White House aide, might have stimulated the heckling of Mondale and Ferraro. The campaign officials said they had no control over young activists who have attended the seminars conducted by the Washington-based Leadership Institute.

The Pro-Life Action League says it has no connection to the national Right-to-Life movement. Right-to-Life members who have picketed other appearances by Mondale and Ferraro have not appeared to be part of an orchestrated effort.

A handful of anti-abortion demonstrators held signs aloft as Ferraro visited Sterling Heights Stevenson High School, but Mills said most of them were not Pro-Life members.

THE JULY 27 LETTER signed by Joseph Scheidler of Cicero, Ill., the league's executive director, included instructions about what size and kind of material to buy. The signs, each bearing one letter, spell out the message.

"It gets good crowd response and media attention, but is especially effective in sending a chilling message to the candidates that there is a carefully co-ordinated plan to defeat them," Scheidler wrote.

Reporters, said the letter, "will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the 'conspiratorial nature' of the opposition's demonstrations."

"... We are alerting our religious leaders in Chicago that we will not only picket all Ferraro(sic)-Fritz appearances but that use of Church facilities will bring infiltration and disruption of any talks given by either of this pair."

SCHEIDLER'S ASSISTANT, Richard O'Connor, said Tuesday in Cicero that the group has told members to concentrate on picketing Ferraro. He said the instructions in the July 27 letter have been modified to tell members to concentrate on spelling Ferraro's name, rather than both Ferraro and "Fritz."

"Well, she's the one who most consistently identified with abortion," O'Connor said.

He said Ferraro's Roman Catholic faith conflicts with her pro-choice position on abortion. "Ferraro goes around claiming she's in good standing with her church, that it doesn't interfere with her being able to leave abortion on the pew on Sunday, and then legislate laws that help continue the killing."

O'Connor, who said the group has 4,800 members nationally, described its purpose as different from the Right-to-Life movement, which he said concentrates on educating community groups and students.

Paul Miller, who organizes pickets for the Grand Rapids Right-to-Life group, said his organization isn't affiliated with the Pro-Life Action League. But he said his group contacts members when pro-choice candidates appear in the area.

"If it's Ferraro or Mondale, we'd make the effort to contact our picketers to be there with Pro-Life signs. Our effort is really pretty local," Miller said.

## HOW TO COORDINATE POLITICAL PICKETS OF MONDALE-FERRARO

FOR OUTSIDE APPEARANCES

1. Purchase sheets of 3/16" x 11" paper. Also, the water-repellent, non-toxic, washable, and tear-resistant. The message you want to spell out is: FERRARO & FRITZ BACK ABORTION. "Ferraro" is the first name in the "F" in "FERRARO" and "Fritz" is the first name in the "F" in "FRITZ".
2. When candidates approach, the leader calls out on a megaphone, "Give me an F!" and the first person in line raises his or her letter high overhead and keeps it there.
3. After the "F" has been displayed, the leader asks, "What do we say?" to which all respond loudly, "Ferraro and Fritz back abortion!" The leader then begins the chant, "Life yes, abortion no... Life yes, abortion no... Life yes, abortion no... Life yes, abortion no... Fritz no!"

Free Press Graphic by DOMINIC

Here are picketing instructions mailed by the Pro-Life Action League. The highlighted excerpts are taken directly from the instructions.



# Activist Advised Anti-Abortion Groups

By Bill Peterson

Washington Post Staff Writer

A few days after the Democratic National Convention, a right-to-life activist from Chicago mailed a "directive" to hundreds of anti-abortion groups around the country spelling out in great detail how to mount demonstrations against Walter F. Mondale and his running mate, Geraldine A. Ferraro, at every campaign stop this fall.

The directive, from Joseph M. Scheidler, instructed groups how to make protest signs, form picket lines, shout chants and even infiltrate Mondale and Ferraro rallies as part of a "carefully coordinated plan" to send a "chilling message" to the two Democrats.

It is not clear how much impact the directive had in stirring up anti-abortion protests against Mondale and Ferraro, but at least one local activist said the memo sparked a demonstration in Houston.

The object of the plan was to attract attention from reporters following the candidates, wrote Scheidler, director of the Chicago-based Pro-Life Action League. "They will, in time, begin to see the similarity of demonstrations, chants and approach, and will begin to question the candidates on the 'conspiratorial nature' of the opposition's demonstrations," he said.

## 'Directive' Gave Tips On Heckling Mondale

Scheidler, who coordinated similar demonstrations against Sen. Edward M. Kennedy (D-Mass.) and independent candidate John B. Anderson during the 1980 presidential campaign, said in an interview that the plan has worked beyond his greatest expectations.

He said he has been in contact with right-to-life groups in almost every city visited by Mondale and Ferraro since late July, disputing statements by Dr. John C. Willke, president of the National Right to Life Committee, that demonstrations all have been "locally inspired."

"It was coordinated from the start," Scheidler said. "This is the activists branch of the movement, and we don't have much to do with the National Right to Life Committee. My theory is no social movement goes anywhere without going to the streets . . . I'm from the old school. I believe any publicity is better than no publicity."

"We want the issue of abortion to be kept alive right up until the election," he added.

Scheidler said his group, which is best known for attempting to shut down abortion clinics, began planning protests against Mon-

dale at its national convention last May in Fort Lauderdale. He sent out his directive July 27 and went to Forest Hills, N.Y., to organize a demonstration at the first joint Mondale-Ferraro appearance July 31.

Scheidler, author of a book called "Closed: 99 Ways to Shutdown the Abortion Industry," said he telephoned allies in Alabama, Ohio and Texas urging them to greet the Democratic ticket on their first campaign swing through those states.

Diane Rinn of Life Advocates, a Houston-based group, was one anti-abortion activist contacted. "It sounded like such a good idea that we did it," she said. "We had more than 100 people out when they arrived at the airport."

She said her group used several ideas proposed in Scheidler's directive for signs and chants. "It was very helpful."

The directive suggested that "Ferraro & Fritz Back Abortion" signs be printed on white post board with water-repellent, quick-drying paint. It said signs should be made small enough so they could be smuggled into indoor rallies without detection.

Scheidler said his group made one attempt to coordinate activities with the Republican Party when Ferraro made a trip to Chicago. "We called the local Republican office to see if they had any young Turks to help us out, but they didn't," he said.

86040511531



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Raich

ABORTION KILLS BABIES choose LIFE

PRO-LIFE ACTION LEAGUE, INC.  
6160 N. CICERO AVENUE, NO. 210  
CHICAGO, ILLINOIS 60648

August 1 1986

Pay to the Order of THE TREASURER OF THE UNITED STATES

\$ 275.00

Two-hundred seventy-five and 188 Dollars

GN GLADSTONE-NORWOOD TRUST & SAVINGS BANK CHICAGO, ILLINOIS 60639

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003525 071002147 00101102201 Executive Director

Joseph M. Schneider

CC#1273

MEMORANDUM

TO: Debra A. Reed TO: Judy Smith

FROM: Judy Smith FROM: Debra A. Reed

CHECK NO. 3525 (a copy of which is attached) RELATING

TO MUR 1826 AND NAME Pro-Life Action League, Inc. and Joseph M. Schneider, as Exec. Director

WAS RECEIVED ON 8/20/86. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

1/✓ BUDGET CLEARING ACCOUNT (#95F3875.16)  
/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)  
/ / OTHER

SIGNATURE Debra A. Reed DATE 8/20/86

12 August 1986

Robert Raich, Esq.  
Office of General Counsel  
Federal Election Commission  
Washington, D.C. 20463

RE: MUR 1826

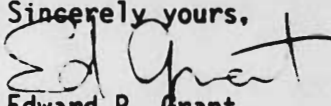
Dear Mr. Raich:

Enclosed is a check in the amount of two hundred and seventy five dollars (\$275.00) payable to the order of the Treasurer of the United States, in satisfaction of the Conciliation Agreement entered between the parties in this matter.

The respondent does not wish additional material concerning this matter to be made available to the general public at this time.

Thank you for your cooperation in this matter.

Sincerely yours,

  
Edward R. Grant  
Attorney for Respondents

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